



UMATILLA CITY COUNCIL MEETING

July 18, 2023 at 6:00 PM

Council Chambers, 1 S. Central Avenue, Umatilla, Florida 32784

AGENDA

Please silence your electronic devices

PLEDGE OF ALLEGIANCE AND INVOCATION

CALL TO ORDER

ROLL CALL

AGENDA REVIEW

MINUTES REVIEW

1. Approval of Minutes
- June 20, 2023 Regular City Council Minutes

PRESENTATIONS

PUBLIC COMMENT

At this point in the meeting, the Umatilla City Council will hear questions, comments and concerns from the public.

Please write your name and address on the paper provided at the podium. Zoning or code enforcement matters which may be coming before the Council at a later date should not be discussed until such time as they come before the Council in a public hearing. Comments, questions, and concerns from the public regarding items listed on this agenda shall be received at the time the Council addresses such items during this meeting. Public comments are generally limited to three minutes.

CONSENT AGENDA

2. Surplus Items

PUBLIC HEARING / ORDINANCES / RESOLUTIONS

3. First Reading of Ordinance No. 2023-10, Avenue Real Estate Holdings LLC Small-Scale Comp Plan Amendment
4. First Reading of Ordinance No. 2023-11, Avenue Real Estate Holdings LLC, Rezoning
5. Resolution No. 2023-13, Amendment 3 to SRF Loan Agreement No. WW350752
6. Budget Review
 - Resolution No. 2023-11, Umatilla Preliminary Fire Assessment Fee
 - Resolution No. 2023-12, Umatilla Preliminary Stormwater Assessment Fee

- Proposed Millage Rate

NEW BUSINESS

- [7.](#) Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport
- [8.](#) RFQ 2023-02 Professional General Engineering Consulting Services Umatilla Municipal Airport Ranking
- [9.](#) Umatilla Police Retirement Board Appointment

REPORTS

- [10.](#) Staff Report

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352)669-3125. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any invocation that may be offered before the official start of the Council meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution 2014-43. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the Council or the City. No person in attendance at this meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

The City of Umatilla is an equal opportunity provider and employer.



UMATILLA CITY COUNCIL MEETING

June 20, 2023 at 6:00 PM

Council Chambers, 1 S. Central Avenue, Umatilla, Florida 32784

MINUTES

CALL TO ORDER

Having been duly advertised as required by law Mayor Adcock led the pledge, gave the invocation, and called the Regular City Council Meeting to order at 6:00 P.M. in the Umatilla City Council Chambers.

ROLL CALL

MEMBERS PRESENT

Kent Adcock, Mayor

Chris Creech, Vice-Mayor

Katherine Adams, Council Member

John Nichols, Council Member

Not Present

Brian Butler, Council Member

Jessica Burnham, City Clerk

ALSO PRESENT

Scott Blankenship, City Manager

Kevin Stone, City Attorney

Aaron Mercer, Development and Public Services Director

Adam Bolton, Chief of Police

Vaughan Nilson, Public Works Director

Amy Stultz, Library Director

Sherie Lindh, Land Planner

Misti Lambert, Assistant to the City Manager

AGENDA REVIEW

MOTION BY COUNCIL MEMBER NICHOLS TO APPROVE THE AGENDA; SECONDED BY VICE MAYOR CREECH. MOTION APPROVED BY UNANIMOUS VOICE VOTE.

MINUTES REVIEW

- 1. Approval of Minutes
 - June 6, 2023 Land Planning Agency Meeting Minutes
 - June 6, 2023 Regular City Council Meeting Minutes

MOTION BY COUNCIL MEMBER NICHOLS TO APPROVE THE MINUTES; SECOND BY COUNCIL MEMBER ADAMS; MOTION APPROVED BY UNANIMOUS VOICE VOTE.

PRESENTATIONS

PUBLIC COMMENT

Mayor Adcock opened public comment

No one spoke

Mayor Adcock closed public comment

CONSENT AGENDA

PUBLIC HEARING / ORDINANCES / RESOLUTIONS

The following items (2-4) were heard together

- 2. Final Reading of Ordinance 2023-04 Annexation - Glendale Groves, LLC
- 3. Final Reading of Ordinance 2023-05 Comprehensive Plan Amendment - Glendale Groves, LLC
- 4. Final Reading of Ordinance 2023-06 Rezoning - Glendale Groves, LLC

Attorney Stone read the Ordinance 2023-04 by title only.

Ordinance 2023-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 38.42 ± ACRES OF LAND GENERALLY LOCATED WEST OF SR 19

AND SOUTH OF MAXWELL ROAD; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Stone read the Ordinance 2023-05 by title only.

Ordinance 2023-05

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3187(1)(c); AMENDING THE LAND USE DESIGNATION OF 38.42 ± ACRES OF LAND DESIGNATED LAKE COUNTY URBAN LOW TO SINGLE FAMILY MEDIUM DENSITY IN THE CITY OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY GLENDALE GROVES, LLC LOCATED WEST OF SR 19 AND SOUTH OF MAXWELL ROAD ; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE

Attorney Stone read the Ordinance 2023-06 by title only.

Ordinance 2023-06

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING 38.42 ± ACRES OF LAND ZONED LAKE COUNTY AGRICULTURE (A) , MEDIUM RESIDENTIAL DISTRICT (R3) AND COMMUNITY COMMERCIAL DISTRICT (C-2) TO THE DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY GLENDALE GROVES, LLC LOCATED WEST OF SR 19 AND SOUTH OF MAXWELL ROAD; APPROVING A MASTER DEVELOPER’S AGREEMENT FOR THE PROPERTY; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT,

AND THE LAKE COUNTY MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Stone Swore in the witness providing testimony for this agenda item and reminded council that the testimony from the Land Planning Agency and the previous council meeting that was held on June 6, 2023 would be carried forward to this meeting.

Sherie Lynd, Land Planning Group, provided the council with an overview of the items. Ms. Lindh stated the owner is seeking annexation, small scale comp plan amendment and rezoning for a mixed-use development consisting of single family, attached single family (approximately 35.01 + acres) and commercial uses along SR 19 (approximately 3.41 + acres).

Ms. Lindh also mentioned the data and analysis indicates that there is a need for additional acreage for mixed residential development and need for additional residential units, the proposed PUD zoning is consistent with the above policy and provides for a mix of residential and commercial development, the proposed land use is consistent with this policy as development will not exceed 5 units/acre and provides for single family residential development, the proposed land use and PUD zoning is consistent with this policy and provides for a mixed-use development and the proposed rezoning is consistent with the comprehensive plan and the land development regulations.

Mayor Adcock opened public comment

No one spoke

Mayor Adcock closed public comment

MOTION BY COUNCIL MEMBER NICHOLS TO APPROVE THE FINAL READING OF ORDINANCE 2023-04 ANNEXATION - GLENDALE GROVES, LLC; SECONDED BY COUNCIL MEMBER ADAMS. MOTION PASSED BY ROLL CALL VOTE.

Council Member Nichols	YES
Council Member Adams	YES
Vice Mayor Creech	YES
Mayor Adcock	YES

MOTION BY COUNCIL MEMBER NICHOLS TO APPROVE THE FINAL READING OF ORDINANCE 2023-05 COMPREHENSIVE PLAN AMENDMENT - GLENDALE GROVES, LLC; SECONDED BY COUNCIL MEMBER ADAMS. MOTION PASSED BY ROLL CALL VOTE.

Council Member Nichols	YES
Council Member Adams	YES
Vice Mayor Creech	YES
Mayor Adcock	YES

MOTION BY COUNCILMEMBER NICHOLS TO APPROVE THE FINAL READING OF ORDINANCE 2023-06, REZONING - GLENDALE GROVES, LLC; SECONDED BY COUNCIL MEMBER ADAMS. MOTION PASSED BY ROLL CALL VOTE.

Council Member Nichols	YES
Council Member Adams	YES
Vice Mayor Creech	YES
Mayor Adcock	YES

NEW BUSINESS

REPORTS

5. Staff Report

Attorney Stone had nothing to report

Chief Bolton had nothing to report

Ms. Frazier spoke on a recent conference she attended and provided council with an update on insurance rates. Ms. Frazier also spoke on the upcoming budget review.

Mr. Nilson stated that Mr. Brain Lightfoot passed his water operator exam and is now fully licensed.

Ms. Lambert had nothing to report

Mr. Mercer had nothing to report

Ms. Stultz had nothing to report

Mr. Blankenship had nothing to report

Council Member Nichols had nothing to report

Council Member Adams inquired about placing no parking signs behind the post office near new houses.

Vice Mayor Creech had nothing to report

Mayor Adcock had nothing to report

ADJOURNMENT

With no further business for discussion, meeting adjourned at approximately 6:22 p.m.

Kent Adcock, MAYOR

Jessica Burnham
City Clerk



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 12, 2023

MEETING DATE: July 18, 2023

SUBJECT: Declaration of Surplus Goods

BACKGROUND SUMMARY:

When the city has items that no longer hold value or have exceeded their useful life, the City Council is asked to declare such items as surplus so they may be donated or sold to another agency for further use as the buyer or recipient sees fit.

- 1. 2001 Jeep Cherokee – 1JAFT 48S8IL582566**
- 2. 2013 Ford F250 – 1FTBF2A66DEB36132**
- 3. 2003 Ford F150 – 1FTRX18W33NA93332**
- 4. 2003 Ford Escape - 1FMYU02163KE14174**

RECOMMENDATIONS:

City Council to declare the items as surplus and allow staff to dispose of the items properly.

FISCAL IMPACTS:

None

ATTACHMENTS:

N/A



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 7, 2023

MEETING DATE: July 18, 2023

**SUBJECT: First Reading of Ordinance No. 2023-10, Avenue Real Estate Holdings LLC
 Small-Scale Comp Plan Amendment**

BACKGROUND SUMMARY:

Ordinance 2023-10 is a Comprehensive Plan Amendment request a change from Commercial Land Use to Multi-family Medium Density Land Use (8 units/acre).

Ordinance 2023-11 is a Rezoning of the subject site from Commercial C-1 to Multifamily-8 to accommodate the development of three (3) duplex units.

Creation of these duplex lots will be done through a proposed lot line deviation and lot split. The proposed lots are 11,738 SF (0.27 + acres), 9,258 SF (0.212 + acres), and 9,224 SF (0.211 + acres).

The proposed lots exceed the minimum requirements for the MF-8, duplex lots which is a minimum of 9,000 SF with 60' of frontage.

RECOMMENDATIONS:

Approve First Reading of Ordinance No. 2023-10, Avenue Real Estate Holdings LLC Small-Scale Comp Plan Amendment

FISCAL IMPACTS:

ATTACHMENTS:

1. Staff Report
2. Ordinance No. 2023-10, Avenue Real Estate Holdings LLC Small-Scale Comp Plan Amendment
3. Location Map

**CITY OF UMATILLA
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

LOT LINE DEVIATION, LOT SPLIT, SSCPA AND REZONING

Owner: Avenue Real Estate Holdings, LLC

Applicant: Green Consulting Group, Inc.

Number of Acres: 0.694 ± acres

General Location: East of SR 19 and North of Lone Star Street

Existing Zoning: Neighborhood Commercial (C-1)

Proposed Zoning: Multi-family Medium Density Residential (MF-8)

Existing Land Use: General Commercial (75% ISR and 12 units/acre)

Proposed Land Use: Multi-family Medium Density (8 units/acre)

Date: May 24, 2023

Description of Project

The applicant is proposing a comp plan amendment from Commercial to Multi-family Medium Density (8 units/acre) and rezone the subject site to MF-8 to accommodate the development of three (3) duplex units. Creation of the lots is via a proposed lot line deviation and lot split. The proposed lots are 11,738 SF (0.27 ± acres), 9,258 SF (0.212 ± acres), and 9,224 SF (0.211 ± acres). The proposed lots exceed the minimum requirements for the MF-8, duplex lots which is a minimum of 9,000 SF with 60’ of frontage.

	Surrounding Zoning	Surrounding Land Use
North	Neighborhood Commercial (C-1) and Urban Residential (UR-5)	Downtown Mixed Use (12 units/acre) SF Medium Density Residential (5 units/acre)
South	PFD	Institutional
East	UR-5	SF Medium Density Residential (5 units/acre)
West	C-1	Downtown Mixed Use (12 units/acre)

Assessment

The proposed small scale comprehensive plan amendment is considered a decrease in density from 12 units/acre to 8 units/acre and a decrease in intensity from commercial to residential. The proposed multi-family medium density designation would create a transitional area between the commercial and residential.

The proposed rezoning is a downzoning and would create a transitional area between the commercial use on the west and the single-family use on the east. The proposed rezoning is compatible with the existing adjacent uses which consist of a real estate office (Calhoun Realty), convenience store with fuel, public pool, school board maintenance facility, and SF residential.

The proposed rezoning to MF-8 allows for single family detached, single family attached (townhomes), two-family (duplex), and multi-family (tri-plex, quadplex, apartments). Utilities are available to the subject property.

The proposed residential lots and duplex structures must meet the dimension requirements of the MF-8 district which is a minimum of 9,000 SF with 60' of frontage. The minimum living area is 650 for 1 bedroom, 750 SF for 2 bedrooms, and 900 SF for 3 bedrooms. The proposed lots as shown on the concept plan are 11,783 SF with 103' of frontage, 9,258 SF with 67' of frontage, and 9,224 SF with 73' of frontage. The proposed lots exceed the minimum zoning requirements.

The proposed residential parcels are compatible with the adjacent residential lots to the east. Review of available parcel data indicates the adjacent lots are approximately 6,000 SF with 50' of frontage (the existing home is approximately 700 SF) and 7,200 SF with 60' of frontage (the existing home is approximately 1292 SF).

The proposed rezoning would decrease the potential daily trips as outlined below. Lone Star Street is classified as a local roadway under the jurisdiction of City with an adopted Level of Service (LOS) of D. The rezoning would not degrade the LOS.

TRIP GENERATION ANALYSIS

Proposed Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
Med Density/MF	8 units	210	57	6	4	2
TOTAL GROSS TRIPS (PROPOSED)			57	6	4	2

* 11th Edition

Existing Land Use Program

Land Use	Size/Unit	ITE Code	Daily Trips	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
Comm/Multifam	12 units	220	54	4	3	1
Commercial	20,000 SF	710	195	23	4	19
TOTAL GROSS TRIPS (EXISTING)			249	27	7	20

Net Difference (Proposed Net Trip Generation Minus Existing Net Trip Generation)

Land Use	PM Peak Hour Trips	PM Trips Enter	PM Trips Exit
TOTAL NET TRIPS (PROPOSED – EXISTING)	-21	-3	-18

Potable Water Analysis

The subject site is within the City of Umatilla’s Utility Service Area. The city currently owns, operates and maintains a central potable water treatment and distribution system. The permitted plant capacity is 2.290 MGD and the permitted consumptive use permit capacity is .733 MGD (SJRWMD CUP 2646-6). The City has a current available capacity of 0.16 MGD (includes City Industrial Park) for concurrency purposes and an analysis was conducted of the proposed amendment based on maximum intensity land use and the City’s Level of Service (LOS) standards (Table 1). The analysis concludes that the proposed amendment will not cause a deficiency and the city would have 0.15 MGD remaining. It should be noted that the City is in the process of increasing the consumptive use permit capacity and is scheduled within 2023.

Sanitary Sewer Analysis

The subject site is within the City of Umatilla’s Utility Service area. The city has an existing agreement with the City of Eustis for wastewater (Resolution 2018-46). The agreement allows for a maximum of 300,000 gallons per day (0.3 MGD) and the current usage is 120,000 gallons per day (0.12) with a remaining capacity of 180,000 gallons per day (0.18 MGD). The proposed amendment would not cause a deficiency in the City’s Level of Service standards and the city would have 179,000 gallons per day (0.17 MGD) remaining (Table 2).

Solid Waste Analysis

The LOS for solid waste is 5 lbs per day per capita. The estimated population is 13 (6 units x 2.1 pph) and the estimated solid waste is 65 lbs per day. The proposed amendment will not cause a deficiency in the LOS.

Recommendation

The proposed small scale comp plan amendment and rezoning is compatible with the adjacent land uses and provides a transition between the commercial to the west and the single family residential to the east. The area is part of the existing urban core where commercial services and transit services are available within walking distance. The proposed rezoning and lot split is considered infill development.

The proposed small scale comp plan amendment and rezoning are consistent with the comprehensive plan and meet the minimum technical requirements of the land development regulations. The amendment is consistent with the following policies (among others):

FLU Policy 1-1.1.6: Transition of Residential Densities

FLU Policy 1-1.1.7: Availability of Facilities to Support Residential Land Uses
Policy 1-1.10.1: Land Use Allocation
Policy 1-1.10.2: Promote Orderly, Compact Growth
Policy 1-2.1.1: Land Use Designations, and Maximum Intensity and Density

The proposed lot line deviation and lot split are recommended for approval subject to approval of the amendment and rezoning.

Table 1 – Water Analysis

	Acres	Existing Land Use	Proposed City Land Use	Maximum Development	Water Demand (gross) (mgpd)	Capacity or Deficit (mgpd)
City of Umatilla Current Capacity						0.16
	0.694	General Commercial (12 units/acre) 75% ISR 20,000 SF Commercial	MF Med Density (8 unit/acre)	6 Units	0.001	
		8 Units 20,000 SF Commercial	6 Units			0.15

* Includes Maxwell Road proposed Amendment

Projected population – 13 (6 x 2.1 pph)

Estimated water demand based on PF Policy 4-1.10.1 of LOS of 150 gpdpc for residential and 850 gallons per day per commercial acre

Table 2 – Wastewater Analysis

	Acres	Existing City Land Use	Proposed City Land Use	Maximum Development	Water Demand (gross) (mgpd)	Capacity or Deficit (mgpd)
City of Umatilla Current Capacity						0.18
	0.694	General Commercial (12 units/acre 75% ISR)	MF Medium Density (8 units/acre)	6 units	0.001	
		8 units 20,000 SF Commercial	6 units			0.179

Projected population – 13 (6 x 2.1 pph)
 Estimated wastewater demand based on PF Policy 4-1.2.1 of LOS of 100 gpdpc

ORDINANCE 2023-10

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3187(1)(c); AMENDING THE LAND USE DESIGNATION OF 0.694 ± ACRES OF LAND DESIGNATED AS COMMERCIAL TO MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL IN THE CITY OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY AVENUE REAL ESTATE HOLDINGS, LLC LOCATED NORTH OF LONE STAR STREET AND EAST OF SR 19; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Green Consulting Services, Inc. as applicant on behalf of Avenue Real Estate Holdings, LLC as owner, requesting that real property within the city limits of the City of Umatilla be assigned a land use designation from General Commercial to Multi-Family Medium Density Residential under the Comprehensive Plan for the City of Umatilla;

WHEREAS, the amendment would facilitate residential infill development and is in compliance with the policies of the City’s comprehensive plan; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Local Planning Agency for the City of Umatilla have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Council of the City of Umatilla.

WHEREAS, the City Council reviewed said petition, the recommendations of the Land Planning Agency, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF UMATILLA, FLORIDA, AS FOLLOWS:

Section 1: Purpose and Intent.

That the land use classification of the following described property, being situated in the City of Umatilla, Florida, shall hereafter be designated from General Commercial to Multi-family Medium Density Residential as depicted on the map attached hereto as Exhibit “A”, and as defined in the Umatilla Comprehensive Plan.

LEGAL DESCRIPTION: See Exhibit “B”

Alternate Key # 1211573

- A. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Umatilla as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.
- B. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Umatilla.

Section 2: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: Scrivener’s Errors.

Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 5: Effective Date.

This Ordinance shall become effective 31 days after its adoption by the City Council. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

PASSED AND ORDAINED in regular session of the City Council of the City of Umatilla, Lake County, Florida, this _____ day of _____, 2023.

Kent Adcock, Mayor
City of Umatilla, Florida

ATTEST:

Approved as to Form:

Jessica Burnham, CMC
City Clerk

Kevin Stone
City Attorney

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"

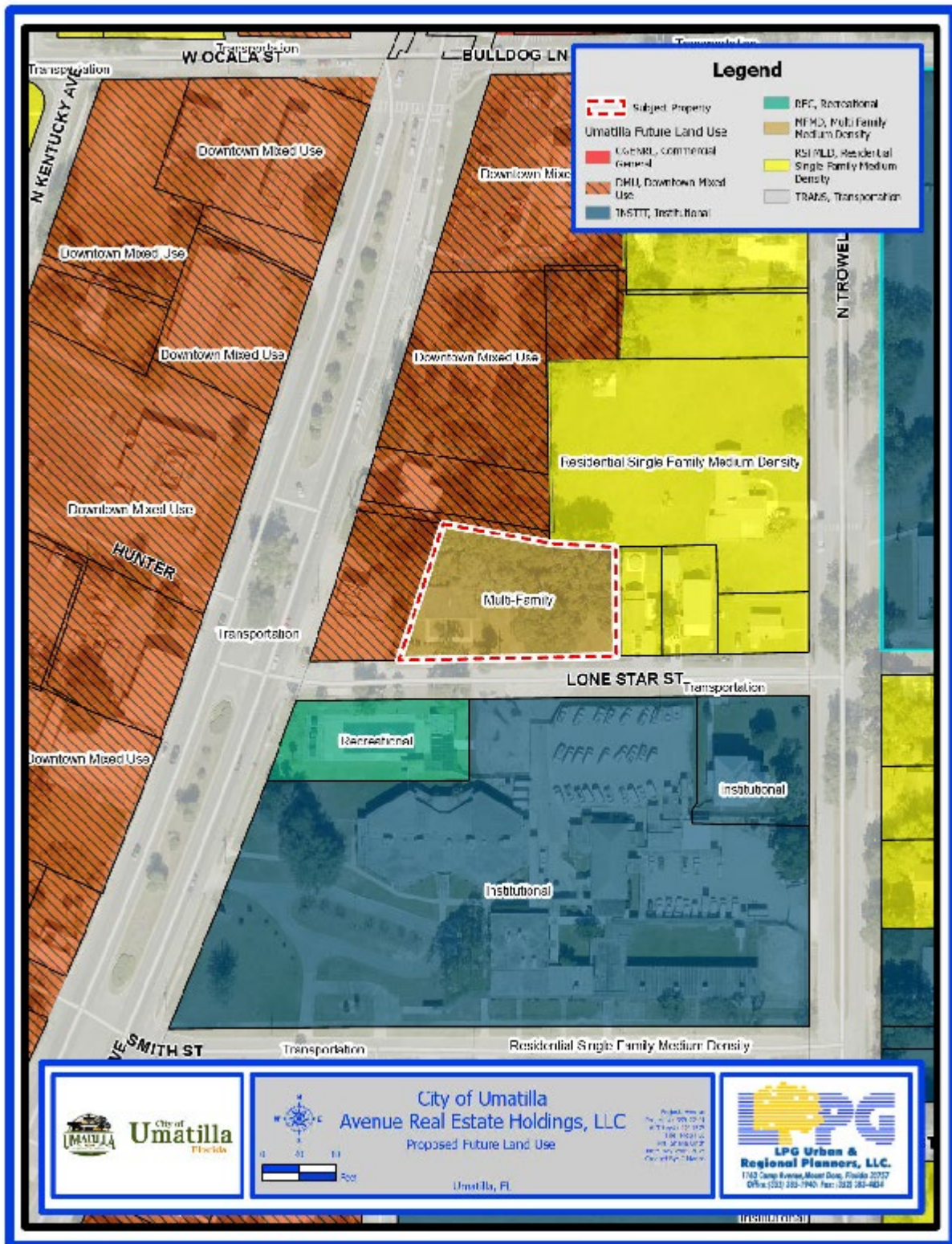


EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL NO. 1: That part of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of Section 13, Township 18 South, Range 26 East, Lake County, Florida, in the City of Umatilla, Florida, bounded and described as follows: From the Northeast corner of the Northwest one-quarter (NW ¼) of said Section 13, run East 23 feet; thence run South 18 degrees West along the Easterly line of the right-of-way of Central Avenue, 244.5 feet; thence run East 127 feet; thence run South 298 feet; thence run North 79 degrees 43 minutes West 215 feet to a point on the Easterly line of the right-of-way of Central Avenue; thence run South 18 degrees West along the Easterly line of said right-of-way 22.27 feet for a Point of Beginning; from said Point of Beginning, run thence East and parallel with the North line of the right-of-way of Lone Star Street 100 feet; thence South 18 degrees West 150 feet to the North line of the right-of-way of Lone Star Street; thence West along the North line of the right-of-way of Lone Star Street 100 feet to the Easterly line of the right-of-way of Central Avenue; thence North 18 degrees East along the Easterly line of the said right-of-way, 150 feet to the Point of Beginning.

PARCEL NO. 2: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West 244.50 feet; thence East 127.00 feet; thence South 298.00 feet; thence North 79 degrees 43 minutes 00 seconds West, 47.80 feet to the Point of Beginning of this description; from said Point of Beginning continue North 79 degrees 43 minutes 00 seconds West 71.54 feet; thence South 18 degrees 00 minutes 00 seconds West, 162.70 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street, 118.42 feet; thence North 01 degrees 03 minutes 18 seconds East, 141.46 feet to the Point of Beginning.

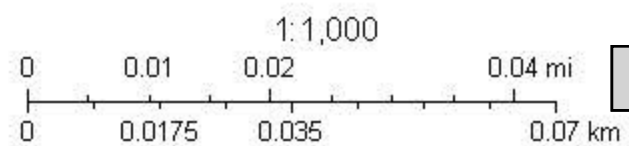
PARCEL NO. 3: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West, 244.50 feet; thence East 127.00 feet; thence South 298.00 feet to the Point of Beginning of this description; from said Point of Beginning, run North 79 degrees 43 minutes 00 seconds West, 47.80 feet; thence South 01 degree 03 minutes 18 seconds West, 141.46 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street 125.00 feet; thence North 00 degrees 12 minutes 44 seconds East, 119.45 feet; thence North 80 degrees 11 minutes 41 seconds West 76.95 feet to the Point of Beginning.



July 6, 2023

pointLayer

Override 1





CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 7, 2023

MEETING DATE: July 18, 2023

**SUBJECT: First Reading of Ordinance No. 2023-11, Avenue Real Estate Holdings LLC
 Rezoning**

BACKGROUND SUMMARY:

Ordinance 2023-10 is a Comprehensive Plan Amendment request a change from Commercial Land Use to Multi-family Medium Density Land Use (8 units/acre).

Ordinance 2023-11 is a Rezoning of the subject site from Commercial C-1 to Multifamily-8 to accommodate the development of three (3) duplex units.

Creation of these duplex lots will be done through a proposed lot of line deviation and lot split. The proposed lots are 11,738 SF (0.27 + acres), 9,258 SF (0.212 + acres), and 9,224 SF (0.211 + acres).

The proposed lots exceed the minimum requirements for the MF-8, duplex lots which is a minimum of 9,000 SF with 60' of frontage.

RECOMMENDATIONS:

Approve First Reading of Ordinance No. 2023-11, Avenue Real Estate Holdings LLC Rezoning

FISCAL IMPACTS:

None

ATTACHMENTS:

1. Ordinance No. 2023-11, Avenue Real Estate Holdings LLC Rezoning

ORDINANCE 2023-11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING 0.694 ± ACRES OF LAND ZONED NEIGHBORHOOD COMMERCIAL (C-1) TO THE DESIGNATION OF MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (MF-8) FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY AVENUE REAL ESTATE HOLDINGS, LLC LOCATED NORTH OF LONE STAR STREET AND EAST OF SR 19; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER’S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Green Consulting Group, Inc. as applicant on behalf of the Owner, Avenue Real Estate Holdings, LLC, to rezone approximately 0.694 acres of land from Neighborhood Commercial (C-1) to Multi-family Medium Density Residential (MF-8);

WHEREAS, the Petition bears the signature of all required parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published;

WHEREAS, the City Council reviewed said petition, the recommendations of staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

WHEREAS, upon review, certain terms pertaining to the development of the above-described property have been duly approved, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Umatilla, Florida, as follows:

Section 1: Purpose and Intent.

That the zoning classification of the following described property, being situated in the City of Umatilla, Florida, shall hereafter be designated as Multi-family Medium Density Residential (MF-8) as defined in the Umatilla Land Development Regulations and as depicted on the map attached hereto as Exhibit “A” and incorporated herein by reference.

LEGAL DESCRIPTION: See Exhibit “B”.

Alternate Key # 1211573

Section 2: Zoning Classification.

That the property shall be designated as MF-8, Multi-family Medium Density Residential, in accordance with Chapter 6, Section 2(e) of the Land Development Regulations of the City of Umatilla, Florida.

Section 3: The City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning map of the City of Umatilla, Florida, to include said designation consistent with this Ordinance.

49 **Section 4: Severability.**

50 If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be
51 void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance
52 shall remain in full force and effect.

53
54 **Section 5: Scrivener’s Errors.**

55 Scrivener’s errors in the legal description may be corrected without a public hearing or at public
56 meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the
57 correct legal description.

58
59 **Section 6: Effective Date.**

60 This Ordinance shall become effective immediately upon passage by the City Council of the City of
61 Umatilla.

62
63 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,
64 Florida, this _____ day of _____, 2023.

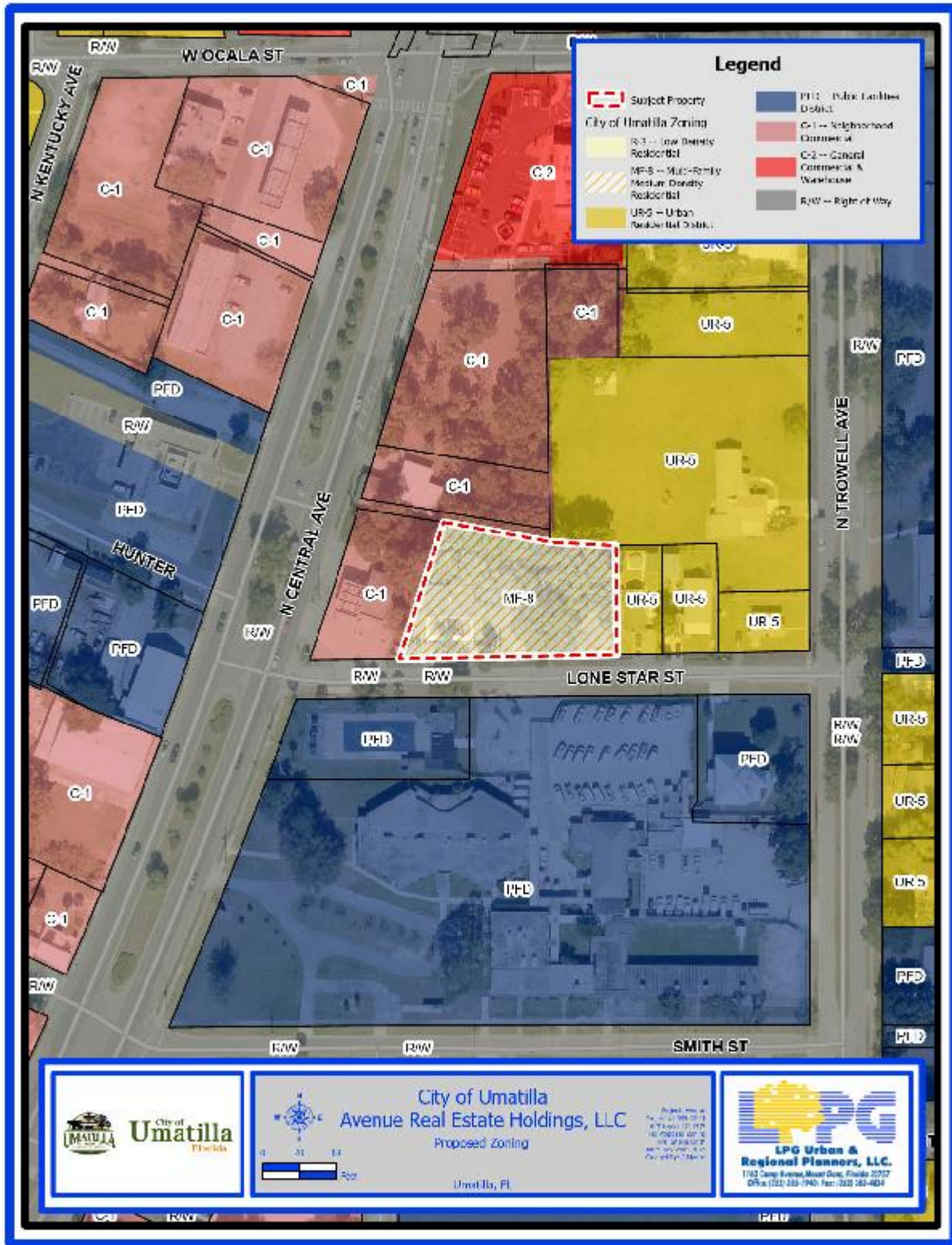
65
66
67 _____
68 Kent Adcock, Mayor
69 City of Umatilla, Florida

70
71
72 ATTEST: Approved as to Form:
73
74
75 _____
76 Jessica Burnham Kevin Stone
77 City Clerk City Attorney

78
79
80 Passed First Reading _____
81 Passed Second Reading _____
82 (SEAL)
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97

98
99
100

EXHIBIT "A"



101
102
103

EXHIBIT "B"

104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119

120

121
122
123
124
125
126
127
128

129

130
131
132
133
134
135
136
137

138

PARCEL NO. 1: That part of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of Section 13, Township 18 South, Range 26 East, Lake County, Florida, in the City of Umatilla, Florida, bounded and described as follows: From the Northeast corner of the Northwest one-quarter (NW ¼) of said Section 13, run East 23 feet; thence run South 18 degrees West along the Easterly line of the right-of-way of Central Avenue, 244.5 feet; thence run East 127 feet; thence run South 298 feet; thence run North 79 degrees 43 minutes West 215 feet to a point on the Easterly line of the right-of-way of Central Avenue; thence run South 18 degrees West along the Easterly line of said right-of-way 22.27 feet for a Point of Beginning; from said Point of Beginning, run thence East and parallel with the North line of the right-of-way of Lone Star Street 100 feet; thence South 18 degrees West 150 feet to the North line of the right-of-way of Lone Star Street; thence West along the North line of the right-of-way of Lone Star Street 100 feet to the Easterly line of the right-of-way of Central Avenue; thence North 18 degrees East along the Easterly line of the said right-of-way, 150 feet to the Point of Beginning.

PARCEL NO. 2: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West 244.50 feet; thence East 127.00 feet; thence South 298.00 feet; thence North 79 degrees 43 minutes 00 seconds West, 47.80 feet to the Point of Beginning of this description; from said Point of Beginning continue North 79 degrees 43 minutes 00 seconds West 71.54 feet; thence South 18 degrees 00 minutes 00 seconds West, 162.70 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street, 118.42 feet; thence North 01 degrees 03 minutes 18 seconds East, 141.46 feet to the Point of Beginning.

PARCEL NO. 3: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West, 244.50 feet; thence East 127.00 feet; thence South 298.00 feet to the Point of Beginning of this description; from said Point of Beginning, run North 79 degrees 43 minutes 00 seconds West, 47.80 feet; thence South 01 degree 03 minutes 18 seconds West, 141.46 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street 125.00 feet; thence North 00 degrees 12 minutes 44 seconds East, 119.45 feet; thence North 80 degrees 11 minutes 41 seconds West 76.95 feet to the Point of Beginning.

ORDINANCE 2023-10

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3187(1)(c); AMENDING THE LAND USE DESIGNATION OF 0.694 ± ACRES OF LAND DESIGNATED AS COMMERCIAL TO MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL IN THE CITY OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY AVENUE REAL ESTATE HOLDINGS, LLC LOCATED NORTH OF LONE STAR STREET AND EAST OF SR 19; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Green Consulting Services, Inc. as applicant on behalf of Avenue Real Estate Holdings, LLC as owner, requesting that real property within the city limits of the City of Umatilla be assigned a land use designation from General Commercial to Multi-Family Medium Density Residential under the Comprehensive Plan for the City of Umatilla;

WHEREAS, the amendment would facilitate residential infill development and is in compliance with the policies of the City’s comprehensive plan; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Local Planning Agency for the City of Umatilla have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Council of the City of Umatilla.

WHEREAS, the City Council reviewed said petition, the recommendations of the Land Planning Agency, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF UMATILLA, FLORIDA, AS FOLLOWS:

Section 1: Purpose and Intent.

That the land use classification of the following described property, being situated in the City of Umatilla, Florida, shall hereafter be designated from General Commercial to Multi-family Medium Density Residential as depicted on the map attached hereto as Exhibit “A”, and as defined in the Umatilla Comprehensive Plan.

LEGAL DESCRIPTION: See Exhibit “B”

Alternate Key # 1211573

- A. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Umatilla as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.
- B. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Umatilla.

Section 2: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: Scrivener’s Errors.

Scrivener’s errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 5: Effective Date.

This Ordinance shall become effective 31 days after its adoption by the City Council. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance.

PASSED AND ORDAINED in regular session of the City Council of the City of Umatilla, Lake County, Florida, this _____ day of _____, 2023.

Kent Adcock, Mayor
City of Umatilla, Florida

ATTEST:

Approved as to Form:

Jessica Burnham, CMC
City Clerk

Kevin Stone
City Attorney

Passed First Reading _____
Passed Second Reading _____
(SEAL)

EXHIBIT "A"

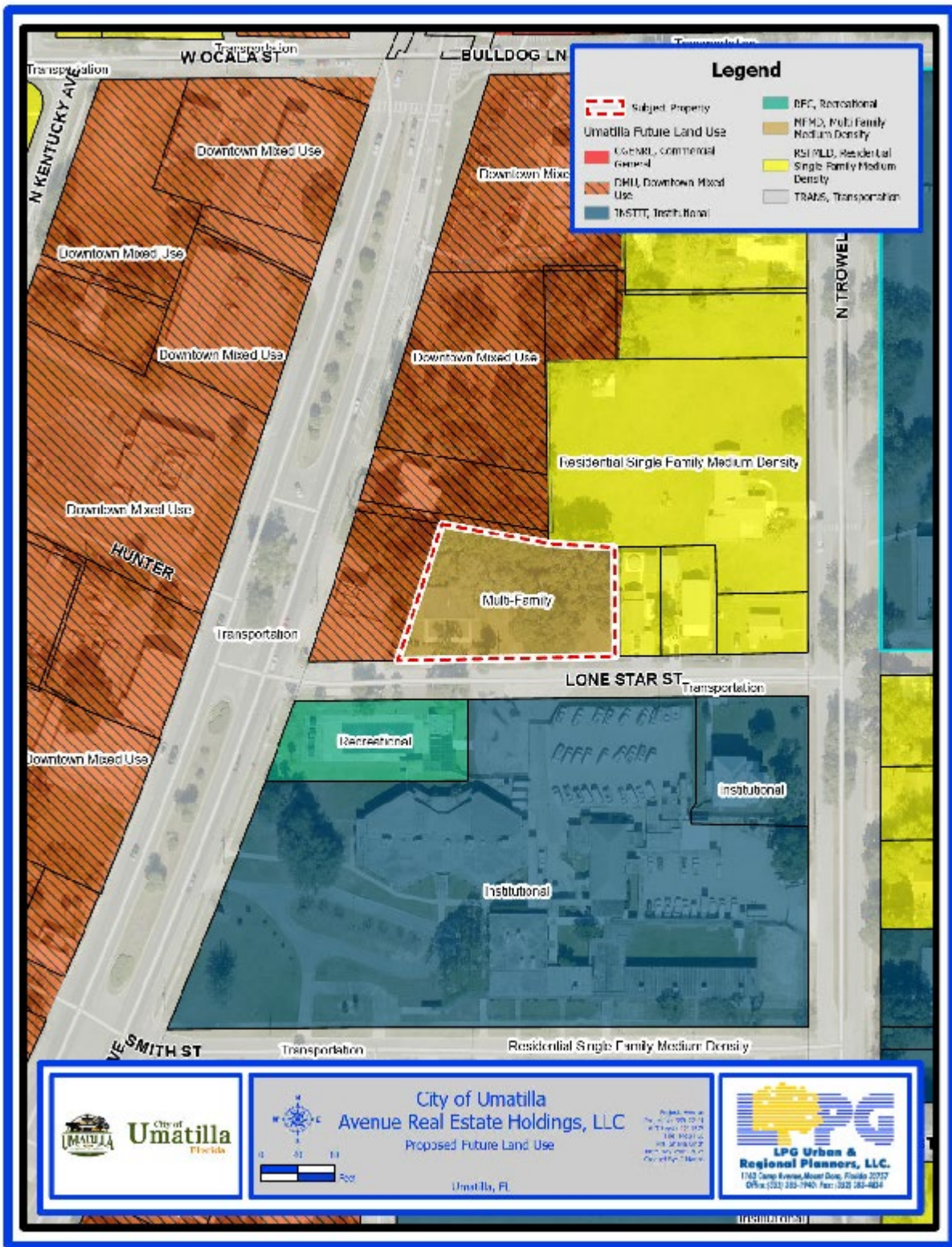


EXHIBIT "B"
LEGAL DESCRIPTION

PARCEL NO. 1: That part of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of Section 13, Township 18 South, Range 26 East, Lake County, Florida, in the City of Umatilla, Florida, bounded and described as follows: From the Northeast corner of the Northwest one-quarter (NW ¼) of said Section 13, run East 23 feet; thence run South 18 degrees West along the Easterly line of the right-of-way of Central Avenue, 244.5 feet; thence run East 127 feet; thence run South 298 feet; thence run North 79 degrees 43 minutes West 215 feet to a point on the Easterly line of the right-of-way of Central Avenue; thence run South 18 degrees West along the Easterly line of said right-of-way 22.27 feet for a Point of Beginning; from said Point of Beginning, run thence East and parallel with the North line of the right-of-way of Lone Star Street 100 feet; thence South 18 degrees West 150 feet to the North line of the right-of-way of Lone Star Street; thence West along the North line of the right-of-way of Lone Star Street 100 feet to the Easterly line of the right-of-way of Central Avenue; thence North 18 degrees East along the Easterly line of the said right-of-way, 150 feet to the Point of Beginning.

PARCEL NO. 2: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West 244.50 feet; thence East 127.00 feet; thence South 298.00 feet; thence North 79 degrees 43 minutes 00 seconds West, 47.80 feet to the Point of Beginning of this description; from said Point of Beginning continue North 79 degrees 43 minutes 00 seconds West 71.54 feet; thence South 18 degrees 00 minutes 00 seconds West, 162.70 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street, 118.42 feet; thence North 01 degrees 03 minutes 18 seconds East, 141.46 feet to the Point of Beginning.

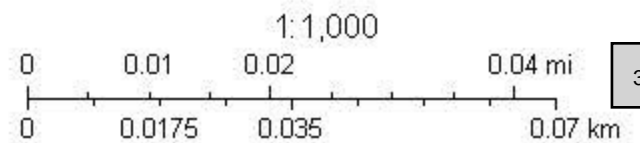
PARCEL NO. 3: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West, 244.50 feet; thence East 127.00 feet; thence South 298.00 feet to the Point of Beginning of this description; from said Point of Beginning, run North 79 degrees 43 minutes 00 seconds West, 47.80 feet; thence South 01 degree 03 minutes 18 seconds West, 141.46 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street 125.00 feet; thence North 00 degrees 12 minutes 44 seconds East, 119.45 feet; thence North 80 degrees 11 minutes 41 seconds West 76.95 feet to the Point of Beginning.



July 6, 2023

pointLayer

Override 1





**CITY OF UMATILLA
AGENDA ITEM STAFF REPORT**

DATE: July 7, 2023

MEETING DATE: July 18, 2023

**SUBJECT: First Reading of Ordinance No. 2023-11, Avenue Real Estate Holdings LLC
Rezoning**

BACKGROUND SUMMARY:

Ordinance 2023-10 is a Comprehensive Plan Amendment request a change from Commercial Land Use to Multi-family Medium Density Land Use (8 units/acre).

Ordinance 2023-11 is a Rezoning of the subject site from Commercial C-1 to Multifamily-8 to accommodate the development of three (3) duplex units.

Creation of these duplex lots will be done through a proposed lot line deviation and lot split. The proposed lots are 11,738 SF (0.27 + acres), 9,258 SF (0.212 + acres), and 9,224 SF (0.211 + acres).

The proposed lots exceed the minimum requirements for the MF-8, duplex lots which is a minimum of 9,000 SF with 60' of frontage.

RECOMMENDATIONS:

Approve First Reading of Ordinance No. 2023-11, Avenue Real Estate Holdings LLC Rezoning

FISCAL IMPACTS:

None

ATTACHMENTS:

1. Ordinance No. 2023-11, Avenue Real Estate Holdings LLC Rezoning
-

ORDINANCE 2023-11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING 0.694 ± ACRES OF LAND ZONED NEIGHBORHOOD COMMERCIAL (C-1) TO THE DESIGNATION OF MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (MF-8) FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY AVENUE REAL ESTATE HOLDINGS, LLC LOCATED NORTH OF LONE STAR STREET AND EAST OF SR 19; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY AND SCRIVENER’S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by Green Consulting Group, Inc. as applicant on behalf of the Owner, Avenue Real Estate Holdings, LLC, to rezone approximately 0.694 acres of land from Neighborhood Commercial (C-1) to Multi-family Medium Density Residential (MF-8);

WHEREAS, the Petition bears the signature of all required parties; and

WHEREAS, the required notice of the proposed rezoning has been properly published;

WHEREAS, the City Council reviewed said petition, the recommendations of staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

WHEREAS, upon review, certain terms pertaining to the development of the above-described property have been duly approved, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Umatilla, Florida, as follows:

Section 1: Purpose and Intent.

That the zoning classification of the following described property, being situated in the City of Umatilla, Florida, shall hereafter be designated as Multi-family Medium Density Residential (MF-8) as defined in the Umatilla Land Development Regulations and as depicted on the map attached hereto as Exhibit “A” and incorporated herein by reference.

LEGAL DESCRIPTION: See Exhibit “B”.

Alternate Key # 1211573

Section 2: Zoning Classification.

That the property shall be designated as MF-8, Multi-family Medium Density Residential, in accordance with Chapter 6, Section 2(e) of the Land Development Regulations of the City of Umatilla, Florida.

Section 3: The City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning map of the City of Umatilla, Florida, to include said designation consistent with this Ordinance.

49 **Section 4: Severability.**

50 If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be
51 void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance
52 shall remain in full force and effect.

53
54 **Section 5: Scrivener’s Errors.**

55 Scrivener’s errors in the legal description may be corrected without a public hearing or at public
56 meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the
57 correct legal description.

58
59 **Section 6: Effective Date.**

60 This Ordinance shall become effective immediately upon passage by the City Council of the City of
61 Umatilla.

62
63 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,
64 Florida, this _____ day of _____, 2023.

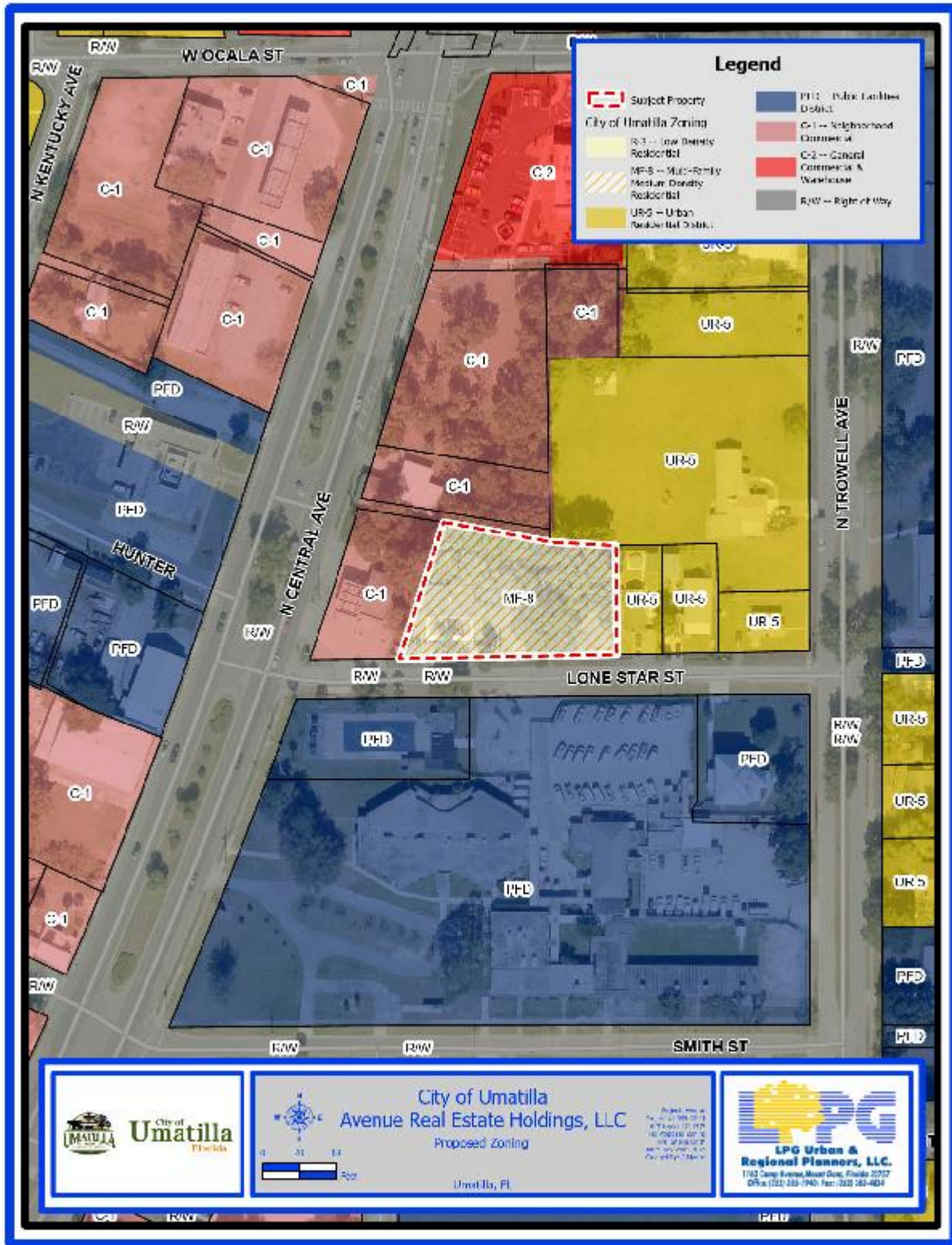
65
66
67 _____
68 Kent Adcock, Mayor
69 City of Umatilla, Florida

70
71
72 ATTEST: Approved as to Form:
73
74
75 _____
76 Jessica Burnham Kevin Stone
77 City Clerk City Attorney

78
79
80 Passed First Reading _____
81 Passed Second Reading _____
82 (SEAL)
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97

98
99
100

EXHIBIT "A"



101
102
103

3 Ordinance 2023 – Avenue Real Estate Holdings, LLC Rezoning

EXHIBIT "B"

104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119

120

121
122
123
124
125
126
127
128

129

130
131
132
133
134
135
136
137

138

PARCEL NO. 1: That part of the Northeast one-quarter (NE ¼) of the Northwest one-quarter (NW ¼) of Section 13, Township 18 South, Range 26 East, Lake County, Florida, in the City of Umatilla, Florida, bounded and described as follows: From the Northeast corner of the Northwest one-quarter (NW ¼) of said Section 13, run East 23 feet; thence run South 18 degrees West along the Easterly line of the right-of-way of Central Avenue, 244.5 feet; thence run East 127 feet; thence run South 298 feet; thence run North 79 degrees 43 minutes West 215 feet to a point on the Easterly line of the right-of-way of Central Avenue; thence run South 18 degrees West along the Easterly line of said right-of-way 22.27 feet for a Point of Beginning; from said Point of Beginning, run thence East and parallel with the North line of the right-of-way of Lone Star Street 100 feet; thence South 18 degrees West 150 feet to the North line of the right-of-way of Lone Star Street; thence West along the North line of the right-of-way of Lone Star Street 100 feet to the Easterly line of the right-of-way of Central Avenue; thence North 18 degrees East along the Easterly line of the said right-of-way, 150 feet to the Point of Beginning.

PARCEL NO. 2: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West 244.50 feet; thence East 127.00 feet; thence South 298.00 feet; thence North 79 degrees 43 minutes 00 seconds West, 47.80 feet to the Point of Beginning of this description; from said Point of Beginning continue North 79 degrees 43 minutes 00 seconds West 71.54 feet; thence South 18 degrees 00 minutes 00 seconds West, 162.70 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street, 118.42 feet; thence North 01 degrees 03 minutes 18 seconds East, 141.46 feet to the Point of Beginning.

PARCEL NO. 3: From the North ¼ corner of Section 13, Township 18 South, Range 26 East, Lake County, Florida, run East 32.43 feet; thence South 18 degrees 00 minutes 00 seconds West, 244.50 feet; thence East 127.00 feet; thence South 298.00 feet to the Point of Beginning of this description; from said Point of Beginning, run North 79 degrees 43 minutes 00 seconds West, 47.80 feet; thence South 01 degree 03 minutes 18 seconds West, 141.46 feet to the North right-of-way of Lone Star Street; thence East along the North right-of-way of said Lone Star Street 125.00 feet; thence North 00 degrees 12 minutes 44 seconds East, 119.45 feet; thence North 80 degrees 11 minutes 41 seconds West 76.95 feet to the Point of Beginning.



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 12, 2023

MEETING DATE: July 18, 2023

SUBJECT: Resolution No. 2023-13, Amendment 3 to SRF Loan Agreement No. WW350752

BACKGROUND SUMMARY:

The Umatilla City Council adopted Resolution 2021-04 entering into a SRF Loan (Construction Loan Agreement WW350752) Florida DEP for the Eustis wastewater interconnect project. The City and DEP have previously amended the Loan Agreement to accommodate actual construction costs and construction schedule. At this time, DEP has offered to amend the loan terms to change the repayment dates to accommodate the revised construction schedule. The amendment will also include the City's promise to follow certain federal civil rights laws prohibiting illegal discrimination.

RECOMMENDATIONS:

Approval of Resolution No. 2023-13, Amendment 3 to SRF Loan Agreement No. WW350752

FISCAL IMPACTS:

Semiannual debt service payment of \$20,401 delayed until February 15, 2024

ATTACHMENTS:

1. Resolution No. 2023-13, Amendment 3 to SRF Loan Agreement No. WW350752
-

RESOLUTION 2023 – 13

A RESOLUTION OF THE CITY OF UMATILLA, LAKE COUNTY, FLORIDA ACCEPTING AMENDMENT 3 TO STATE REVOLVING FUND PROGRAM CONSTRUCTION LOAN AGREEMENT WW350752; DESIGNATING AUTHORIZED REPRESENTATIVES, PROVIDING ASSURANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Umatilla City Council desires to finalize construction and financing of the Wastewater Interconnect with the City of Eustis (the “Project”); and

WHEREAS, the Umatilla City Council adopted Resolution 2021-04 entering into a Construction Loan Agreement (WW350752) (“Loan Agreement”) with the State of Florida Department of Environmental Protection (the “Department”); and

WHEREAS, the City and the Department have amended the Loan Agreement from time to time as necessary to accommodate actual construction costs and construction schedule; and

WHEREAS, the City and the Department desire to further amend the Loan Agreement to modify the repayment terms to accommodate the City’s construction schedule; and

WHEREAS, the City and the Department further desire to amend the Loan Agreement to incorporate certain required assurances that the City will comply with all Title VI requirements of the Civil Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Equal Opportunity requirements (Executive Order 11246, as amended) which prohibit activities that are intentionally discriminatory or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex (the “Civil Rights Assurances”);

NOW, THEREFORE, BE IT REWSOLVED BY THE CITY COUNCIL FO THE CITY OF UMATILLA, FLROIDA, AS FOLLOWS:

Section 1. The foregoing findings and definitions are incorporated herein by reference and made a part hereof.

Section 2. The proposed Amendment 3 to Loan Agreement WW350752 (“Amendment 3”) is attached hereto as Exhibit “A” and is incorporated herein by reference.

Section 3. Amendment 3 is hereby accepted by the City. The Umatilla Mayor is hereby designated and instructed to execute Amendment 3 on behalf of the City.

Section 4. The City Manager is designated as the authorized representative to provide assurances and commitments required by the Loan Agreement, and shall be responsible for the City’s compliance with the Civil Rights Assurances.

Section 5. If any section or portion of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other part of this Resolution. This Resolution shall be effective upon its adoption.

PASSED and **RESOLVED** this 18th day of July, 2023, by the City Council of the City of Umatilla

Kent Adcock, Mayor

ATTEST:

Jessica Burnham, City Clerk

Approved as to form:

Kevin M. Stone, City Attorney

**STATE REVOLVING FUND
AMENDMENT 3 TO LOAN AGREEMENT WW350752
CITY OF UMATILLA**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF UMATILLA, FLORIDA, (Local Government) existing as a local governmental entity under the laws of the State of Florida. Collectively, the Department and the Local Government shall be referred to as “Parties” or individually as “Party”.

The Department and the Local Government entered into a State Revolving Fund Loan Agreement, Number WW350752, as amended; and

Loan repayment activities need rescheduling to give the Local Government additional time to complete construction; and

Certain provisions of the Agreement need revision and provisions need to be added to the Agreement.

The Parties hereto agree as follows:

1. Section 8.15 is added to the Agreement as follows:

8.15. CIVIL RIGHTS.

The Local Government shall comply with all Title VI requirements of the Civils Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Equal Employment Opportunity requirements (Executive Order 11246, as amended) which prohibit activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex.

2. Unless repayment is further deferred by amendment of the Agreement, Semiannual Loan Payments as set forth in Section 10.05 shall be received by the Department beginning on February 15, 2024, and semiannually thereafter on August 15 and February 15 of each year until all amounts due under the Agreement have been fully paid.

3. The items scheduled under Section 10.07 of the Agreement are rescheduled as follows:

- (2) Completion of Project construction is scheduled for August 15, 2023.

- (3) Establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than August 15, 2023.

- (4) The first Semiannual Loan Payment in the amount of \$20,401 shall be due February 15, 2024.

4. All other terms and provisions of the Loan Agreement shall remain in effect.

This Amendment 3 to Loan Agreement WW350752 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
CITY OF UMATILLA

Mayor

Attest:

Approved as to form and legal sufficiency:

City Clerk

SEAL

City Attorney

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date



**CITY OF UMATILLA
AGENDA ITEM STAFF REPORT**

DATE: July 6, 2023

MEETING DATE: July 18, 2023

SUBJECT: Resolution No. 2023-11, Umatilla Preliminary Fire Assessment Fee

BACKGROUND SUMMARY:

In 2018 the Council established a Fire Assessment Fee through Ordinance 2018-C, the Initial Assessment Resolution 2018-23 and the Final Assessment Resolution 2018 – 35. The Fire Assessment Fee funds fire protection services and addresses public safety needs while providing relief to the general fund and allowing City Council and staff to address other needs.

Each year a Preliminary Rate Resolution initiates the annual process for updating the Assessment Roll and directs the re-imposition of Fire Services Assessments for the upcoming Fiscal Year beginning October 1.

The rates are set forth in Appendix A, which accompanies Resolution No. 2023-11.

The Preliminary Assessment Resolution establishes the maximum assessment rate. Should the Council determine they wish to make a reduction in any category it can be adopted in the Final Fire Assessment Resolution.

Fire Services Assessments are currently not imposed on government property or upon buildings on parcels of Institutional property whose use is wholly exempt from ad valorem taxation under Florida law.

Notice will be provided to the owner of each assessed parcel and mailed with the Truth In Millage notice mailed by the Property Appraiser, fulfilling the separate mailing requirement.

A public hearing notice will be published no later than August 16th for the hearing scheduled for September 5, 2023. At that time the City Council will receive and consider any comments on the Fire Services Assessment from the public and affected property owners. The City Council will also consider imposing the Fire Services Assessments for the Fiscal Year commencing October 1, 2023 collecting such assessments imposed on Tax Parcels within the City on the same bill as ad valorem taxes under the Uniform Assessment Collection Act.

RECOMMENDATIONS:

Approval of Resolution No. 2023-11, Preliminary Fire Assessment Fee

FISCAL IMPACTS:

Anticipated FY 2024 revenue of \$569,407

ATTACHMENTS:

1. Resolution No. 2023-11, Preliminary Fire Assessment Fee
-

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF UMATILLA, FLORIDA; ESTABLISHING THE ESTIMATED RATES FOR FIRE SERVICES ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Umatilla, Florida, as follows:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Ordinance No. 2018-C (the “Ordinance”), the Initial Assessment Resolution (Resolution No. 2018-23), the Final Assessment Resolution (Resolution No. 2018-35), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Services Assessments for the Fiscal Year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE PROTECTION SERVICES.

(A) Upon the reimposition of a Fire Services Assessment for fire protection services, facilities, or programs against Assessed Property located within the City, the City shall provide fire protection services to such Assessed Property. All or a portion of the cost to provide such fire protection services, facilities, or programs shall be funded from proceeds of the Fire Services Assessments. The remaining cost, if any, required to provide fire protection services, facilities, and programs shall be funded by available City revenues other than Fire Services Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City’s provision of fire protection services, facilities, and programs in an amount not less than the Fire Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS.

Fire Protection Assessments shall be imposed against all Tax Parcels within the Property Use Categories. Fire Services Assessments shall be computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 6. COST APPORTIONMENT METHODOLOGY. The Cost Apportionment embodied in Section 7 of the Initial Assessment Resolution, as amended, is affirmed and incorporated herein by reference.

SECTION 7. PARCEL APPORTIONMENT METHODOLOGY. The Parcel Apportionment embodied in Section 8 of the Initial Assessment Resolution, as amended, is hereby affirmed and incorporated herein by reference.

SECTION 8. DETERMINATION OF FIRE SERVICES ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE SERVICES ASSESSMENTS.

(A) The Fire Services Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2023, is the amount determined in the Estimated Fire Services Assessment

Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Fire Services Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Fire Services Assessed Cost. The remainder of such Fiscal Year budget for fire protection services, facilities, and programs shall be funded from available City revenue other than Fire Services Assessment proceeds.

(B) The estimated Fire Services Assessments specified in the Estimated Fire Services Assessment Rate Schedule are hereby established to fund the specified Fire Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2023.

(C) The estimated Fire Services Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Services Assessment Roll for the Fiscal Year commencing October 1, 2023, as provided in Section 9 of this Preliminary Rate Resolution.

SECTION 9. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2023, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The City Manager shall apportion the estimated Fire Services Assessed Cost to be recovered through Fire Services Assessments in the manner set forth in this Preliminary Rate Resolution.

(B) A copy of the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, the Preliminary Rate Resolution, documentation related to the estimated amount of the Fire Services Assessed Cost to be recovered through the imposition of Fire Services Assessments, and the updated Assessment Roll shall be maintained on file in the office of the City Manager and open to public inspection. The foregoing shall not be construed to require that the updated Fire Services Assessment Roll be in printed form if the amount of the Fire Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Services Assessments for fire protection services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Services Assessed Cost among parcels of Assessed Property located within the City.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 5, 2023, in the Umatilla City Council Chambers, 1 S. Central Ave., Umatilla, FL, at which time the City Council will receive and consider any comments on the Fire Services Assessments from the public and affected property owners and consider reimposing Fire Services Assessments and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 11 hereof in the manner and time provided in Section 2 of the Ordinance and by Section 50-80 of the City Code of Ordinances. The notice shall be published no later than August 16, 2023 in substantially the form attached hereto as Appendix B.

SECTION 13. NOTICE BY MAIL. The City Manager or designee shall also provide notice by first class mail to the owner of each parcel of Assessed Property, as required by Section 2 of the Ordinance and by Section 50-81 of the City Code of Ordinances. Such notice shall be in substantially the form attached hereto as Appendix C. The notices shall be mailed no later than August 16, 2022. If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under Section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement will be deemed to be fulfilled by the TRIM notice.

SECTION 14. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Fire Services Assessments shall be used for the provision of fire protection services, facilities, and programs within the City. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities, and programs.

SECTION 15. **EFFECTIVE DATE.** This Preliminary Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED and **RESOLVED** this 18th day of July, 2023, by the City Council of the City of Umatilla.

Kent Adcock, Mayor

ATTEST:

Approved as to form:

Jessica Burnham, City Clerk

Kevin M. Stone, City Attorney

Appendix A

ESTIMATED FIRE SERVICES ASSESSMENT RATE SCHEDULE

Section A-1. DETERMINATION OF FIRE SERVICES ASSESSED COSTS. The estimated Fire Services Assessed Cost to be assessed for the Fiscal Year beginning October 1, 2023, is \$569,407.

Section A-2. ESTIMATED FIRE SERVICES ASSESSMENTS.

(A) The estimated Fire Services Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Assessed Cost for the Fiscal Year beginning October 1, 2023, are hereby established as follows for the purpose of this Initial Assessment Resolution:

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$228.00

Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.12
Industrial/Warehouse	\$0.02
Institutional	\$0.48
Nursing Home	\$1.80

(B) No Fire Services Assessment shall be imposed upon a parcel of Government Property or upon Buildings located on a parcel of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida law; however, Government Property that is owned by federal mortgage entities, such as the VA and HUD, shall not be exempt from the Fire Protection Assessment.

(C) Any shortfall in the expected Fire Services proceeds due to any reduction or exemption from payment of the Fire Services Assessments required by law or authorized by the City Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Council is improper or otherwise adversely affects the validity of the Fire Services Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Services Assessment upon each affected Tax Parcel in the amount of the Fire Services Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Council.

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published by August 16, 2023

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Council of the City of Umatilla will conduct a public hearing to consider the imposition of annual fire services special assessments for the provision of fire protection services within the municipal boundaries of the City of Umatilla.

The hearing will be held at 6:00 p.m. on September 5, 2023, in City Council Chambers of City Hall, 1 S. Central Avenue, Umatilla, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (352) 669-3125, at least two days prior to the date of the hearing.

The assessment of each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire services assessment schedules:

FIRE SERVICES ASSESSMENTS FISCAL YEAR 2023-24

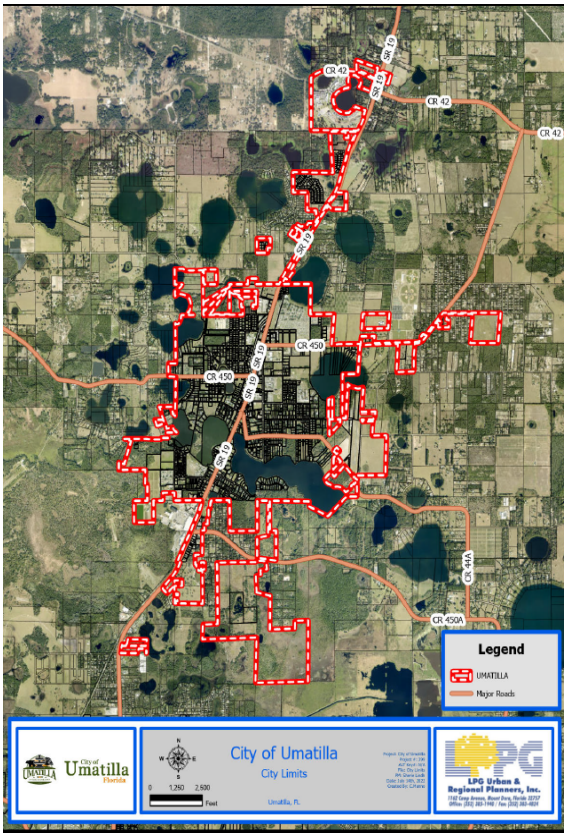
Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$228.00

Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.12
Industrial/Warehouse	\$0.02
Institutional	\$0.48
Nursing Home	\$1.80

Copies of the Fire Services Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the preliminary Assessment Roll are available for inspection at the City Manager's Office, City Hall, located at 1 S. Central Avenue, Umatilla, Florida.

The fire service non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November 2023. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City at (352) 669-3125 Monday through Friday between 8:00 a.m. and 5:00 p.m.





**CITY OF UMATILLA
AGENDA ITEM STAFF REPORT**

DATE: July 6, 2023

MEETING DATE: July 18, 2023

SUBJECT: Resolution No. 2023-12, Umatilla Preliminary Stormwater Assessment Fee

BACKGROUND SUMMARY:

Last year the City began the process to change the method of collection for the Stormwater Assessment Fee from utility bills to the tax bill. This resolution sets the preliminary rates and uses the uniform method of collection. The rates are not changing from what is currently charged on the utility bills each month.

Notice will be provided to the owner of each assessed parcel and mailed with the Truth In Millage notice mailed by the Property Appraiser, fulfilling the separate mailing requirement.

A public hearing notice will be published no later than August 16th for the hearing scheduled for September 5, 2023. At that time the City Council will receive and consider any comments on the Stormwater Services Assessment from the public and affected property owners. The City Council will also consider imposing the Stormwater Services Assessments for the Fiscal Year commencing October 1, 2023. Collecting such assessments imposed on Tax Parcels within the City on the same bill as ad valorem taxes under the Uniform Assessment Collection Act.

RECOMMENDATIONS:

Approval of Resolution No. 2023-12, Preliminary Stormwater Assessment Fee

FISCAL IMPACTS:

Anticipated FY 2024 revenue of \$139,060

ATTACHMENTS:

1. Resolution No. 2023-12, Preliminary Stormwater Assessment Fee
-

RESOLUTION NO. 2023 -12

A RESOLUTION OF THE CITY OF UMATILLA, FLORIDA, ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICE PROVIDED BY THE CITY'S STORMWATER DRAINAGE UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED THEREBY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF STORMWATER MANAGEMENT SERVICE AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DIRECTING THE CITY MANAGER TO PREPARE OR DIRECT THE PREPARATION OF A TENTATIVE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING FOR THE PROPOSED STORMWATER DRAINAGE UTILITY ASSESSMENTS AND DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Umatilla, pursuant to Ordinance No. 2008-K adopted April 15, 2008, imposed, and the City has annually collected, a stormwater utility fee assessment (the "Assessment"), generally being in the annual amount of \$48.00 per Single Family Dwelling Unit ("SFU") for residential properties and \$48.00 per Equivalent Residential unit ("ERU") for nonresidential properties; and

WHEREAS, in support of the continuation of the Assessment, the City ratifies all findings set forth in Ordinance 2008-K as codified in Chapter 56, Article VII of the City Code of Ordinances (the "Ordinance"); and

WHEREAS, the City further finds that the stormwater drainage utility system continues to provide special benefits to all Developed property in the City including, but not limited to, (1) the provision of Stormwater drainage utility services and the availability and use of facilities and improvements by the owners and occupants of Developed property to properly and safely detain, retain, convey and treat Stormwater discharged from Developed property; (2) stabilization of or the increase of Developed property values; (3) increased safety and better access to Developed property; (4) improved appearance; (5) rendering Developed property more adaptable to a current or reasonably foreseeable new and higher use; (6) alleviation of the burdens caused by Stormwater runoff and accumulation attendant with the use of Developed property; and (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the City; and

WHEREAS, the City further finds that the Ordinance fairly and reasonably apportions the cost of the stormwater drainage utility system among the specially benefitted Developed property in the City; and

WHEREAS, upon review of budgetary information and further information presented at the meeting called for the adoption of this Resolution, the Council has determined that the costs of stormwater drainage facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of the stormwater drainage facilities of the City exceed the estimated amount of Assessments to be collected for the fiscal year ending September 30, 2024 and subsequent years;

WHEREAS, the Ordinance originally allowed the Assessment to be charged as an additional fee on each property’s utility bill but further provides that the Assessment shall be charged and collected as allowed by law and that any changes to City Code of Ordinances Section 56-227 (Stormwater Drainage Utility Fee Collection) shall be set by resolution of the City Council; and

WHEREAS, the City of Umatilla proposes to continue the imposition of the fee assessment based on its existing methodology and estimated cost of providing stormwater drainage utility services by the City’s stormwater drainage utility that will benefit real property within the municipal boundaries of City, and to authorize collection thereof by the Uniform Collection Method and procedures described at Section 197.3632, Florida Statutes,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. PURPOSE AND DEFINITIONS. As used in this resolution, the following terms shall have the following meanings. Capitalized terms not defined in this Resolution shall have the meanings ascribed to them in the Ordinance.

“Assessment” means the stormwater drainage utility fee imposed by the Ordinance.

"Non-Residential Parcel" means a Tax Parcel of Developed property containing one or more Nonresidential Units (as defined in the Ordinance).

"Ordinance" means the Stormwater Assessment Ordinance, adopted by the Council on April 15, 2008, as Ordinance 2008-K (Stormwater Drainage Utility), as it may be amended from time to time.

"Residential Parcel" means a Tax Parcel of Developed property containing one or more Single-Family Dwelling Units (as defined in the Ordinance), whether or not the same are detached, attached, zero-lot-line, mobile home, or otherwise.

"Tax Parcel" means a parcel of property which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this resolution.

Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The legislative determinations ascertained and declared the Ordinance are hereby ratified and confirmed.

(B) The findings and recitals set forth above are true and incorporated in this Resolution by reference.

(C) The City's stormwater drainage utility systems are necessitated by the existence of Impervious areas. Accordingly, it is fair and reasonable to impose an Assessment only against Developed property and to determine the allocation of costs based on SFU and ERU calculations to reasonably determine the stormwater drainage burden expected to be generated by the physical characteristics and use of such property.

(D) The Assessment has been and will be collected for a period of more than one year, such that the City is not required to annual adopt the assessment role and is not required to annually provide individual notices to each taxpayer unless the provisions of Sec. 197.3632(4) apply for a particular year.

(H) Any shortfall in the expected proceeds from the Assessment due to any reduction or exemption from payment of the Assessment required by law or authorized by the Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Assessment. In the event a court of competent jurisdiction determines any exemption or reduction by the Council is improper or otherwise adversely affects the validity of the Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Assessment upon each affected Tax Parcel in the amount of the Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel.

**ARTICLE II
ASSESSMENTS**

SECTION 2.01. STORMWATER SERVICE AREA.

(A) The Council hereby establishes the entire incorporated area of the City as the stormwater drainage utility service area.

(B) The stormwater drainage utility serves all Developed Property within the City. All or any portion of the costs of the stormwater drainage utility may be funded from the proceeds of the Assessments.

(C) The stormwater drainage utility may also acquire and construct capital facilities to assist and facilitate the provision of Stormwater drainage utility services within the City.

SECTION 2.02. IMPOSITION AND COMPUTATION.

An Assessment shall continue to be imposed against all Developed property within the City. The Assessment will be computed for each Tax Parcel of Developed Property located within the City by multiplying the number of SFUs or ERUs, as applicable, attributable thereto by \$48.00; provided however, that the \$48.00 rate per SFU or ERU, as applicable, shall be reduced, if necessary, to ensure that the aggregate Assessment within the City does not exceed the Stormwater drainage utility cost.

SECTION 2.03. STORMWATER ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or direct the preparation of, the updated Assessment Roll for the Assessment. A copy of this Assessment Resolution and the updated Assessment Roll for the Assessment shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of an available computer terminal.

SECTION 2.04. METHOD OF COLLECTION. The Assessments shall be collected from all Assessed Property, to the extent allowed by law, pursuant to the Uniform Assessment Collection Act.

ARTICLE III

NOTICE AND PUBLIC HEARING

SECTION 4.01. PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m. on September 5, 2023, at Council Chambers, Umatilla City Hall, 1 S. Central Ave., Umatilla Florida to consider reimposition of the Assessments and their collection pursuant to the Uniform Assessment Collection Act.

SECTION 4.02. NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing in substantially the form attached hereto as Appendix A. The notice shall be published no later than August 16, 2023

SECTION 4.03. NOTICE BY MAIL. The City Manager shall provide first class mailed notice of the public hearing to each property owner proposed to be assessed at the address indicated on the Tax Roll. If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under Florida Statutes, Section 200.069, also fulfills the requirements of this section, then the separate mailing requirement will be deemed to be fulfilled by the TRIM notice.

SECTION 5.02. SEVERABILITY. The provisions of this Assessment Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this amended and restated Assessment Resolution shall not be affected thereby.

SECTION 5.03. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption.

PASSED and **RESOLVED** this 18th day of July, 2023, by the City Council of the City of Umatilla.

Kent Adcock, Mayor

ATTEST:

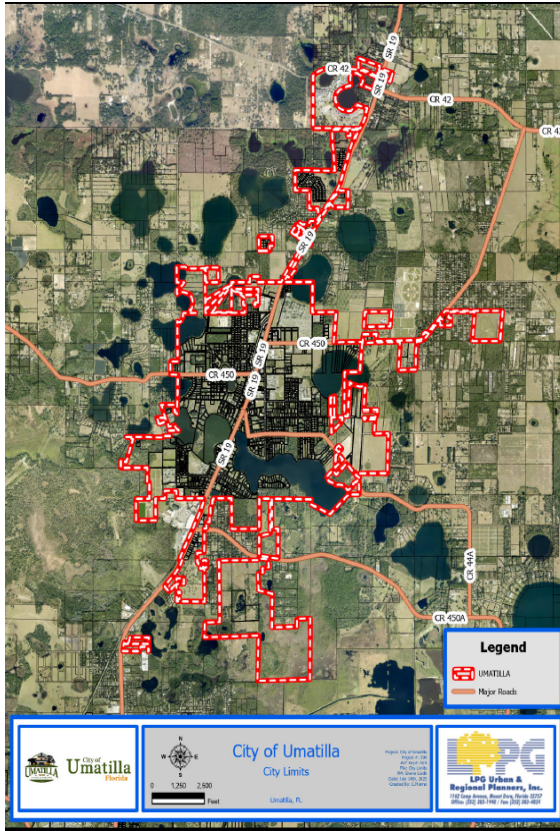
Approved as to form:

Jessica Burnham, City Clerk

Kevin M. Stone, City Attorney

APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

Item 6.



**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS**

Notice is hereby given that the City Council of City of Umatilla, Florida, will conduct a public hearing to adopt the assessment role for Assessments in the area receiving Stormwater Management Service from the City, as shown above. The hearing will be held **at 6:00 p.m. on September 5, 2023, in the Umatilla City Council Chambers, 1 S. Central Ave., Umatilla, FL.** In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (352) 669-3125 at least seven (7) days prior to the date of the hearing. All affected property owners have a right to appear at the hearing and to file written objections with the City Council. All written objections to the non-ad valorem assessments must be filed with the City Council within twenty (20) days of this notice. Any person wishing to appeal any decision of the City Council with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

The Assessments have been proposed to fund the City's cost to provide Stormwater Management Service in the area shown above. The Assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, patios, driveways, parking lots and similar areas. The City has determined that the average single-family dwelling unit (SFU) in the City includes 3,000 square feet of impervious surface, which is defined as the "equivalent residential unit" or "ERU" value. The annual Assessment rate for the upcoming Fiscal Year and for future fiscal years will be \$48.00 for each SFU for residential property and \$48.00 for each ERU for non-residential property.

Generally, the number of SFUs was calculated by identifying the number of dwelling units on a residential property. The number of ERUs was calculated individually for each parcel of non-residential property by dividing the impervious surface area by 3,000 square feet. A more specific description is set forth in Ordinance 2008-K adopted by the City of Umatilla April 15, 2008 and the Assessment Resolution adopted July 18, 2023. Copies of the Assessment Resolution and the updated assessment roll are available for inspection at **Umatilla City Hall, 1 S. Central Ave., Umatilla, Florida.**

The Assessments will be collected on the ad valorem tax bill to be mailed in November 2023, as authorized by Section 197.3632, Florida Statutes. Failure to pay the Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to your property.

If you have any questions, please contact the City at 352-669-3125 Monday through Friday between 9:00 a.m. and 5:00 p.m.

**CITY COUNCIL OF
CITY OF UMATILLA, FLORIDA**



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 6, 2023

MEETING DATE: July 18, 2023

SUBJECT: Set Proposed Millage Rate for FY 2024

BACKGROUND SUMMARY:

SETTING PROPOSED MILLAGE RATE: Staff recommends setting the FY 2024 proposed millage rate at 7.1089 mills. Once the proposed millage is set you may lower it but it is very difficult and expensive to increase it.

August 1st at noon is the deadline to provide the proposed millage rate and the date of the Tentative Public Hearing to the Lake County Property Appraiser's Office. The TRIM notices are then prepared and mailed to the property owners.

DATES FOR TENTATIVE AND FINAL BUDGET HEARINGS:

It is very important that all Council members be in attendance for the Tentative and Final Budget Hearings held in September. It is especially critical for all to be in attendance during the Final Budget Hearing because a form entitled "Vote Record for Final Adoption of Millage Levy" is a required submittal for Certification of Compliance with the Department of Revenue.

Tuesday, September 5th:

- Hearing to adopt 2024 Tentative Millage Rate and Budget
- Adoption of Final Fire, and Stormwater Assessment Resolutions

Tuesday, September 19th:

- CRA meeting to adopt CRA Budget
- Final Hearing to adopt FY 2024 millage rates and budget
- City Council meeting

If any Council member has a conflict with the September 19th date please suggest an alternate date. Budget hearings cannot be held in conflict with hearings held by the School Board (September 11th) and the Board of County Commissioners (September 12th and 26th).

The September budget hearings should deal solely with the adoption of the ad valorem rate and the budget. Public comments from the citizens regarding the ad valorem tax rate and the budget are taken during the hearings.

RECOMMENDATIONS:

Set proposed millage rate of 7.1089 for FY 2024. Council consensus on dates for Tentative and Final Budget Hearings.

FISCAL IMPACTS:

N/A

ATTACHMENTS:



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 12, 2023

MEETING DATE: July 18,2023

SUBJECT: Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport

BACKGROUND SUMMARY:

The Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport covers design for the expansion of the aircraft parking apron and rehabilitation of the of the rotating beacon. The apron is not currently able to accommodate the number of aircraft that visit the airport on a regular basis. The rotating beacon is 20 years old and has outlasted its anticipated usefulness. FAA will cover 90% of the design cost using BIL funds the airport has accumulated over the past two years. FDOT will provide the remaining 10% match for the project.

RECOMMENDATIONS:

Approval of the Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport

FISCAL IMPACTS:

Increase in airport budget of \$240,000 (revenue and expenditure) to be included in Year End Budget Amendment

ATTACHMENTS:

1. Bipartisan Infrastructure Law (BIL) Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport

3-12-0026-017-2023



U.S. Department of Transportation
Federal Aviation Administration

Orlando Airports District Office
8427 South Park Circle, Suite 524
Orlando, FL 32819

July 5, 2023

Mr. Scott Blankenship
City Manager
City of Umatilla
1 South Central Avenue
Umatilla, FL 32784

Dear Mr. Blankenship:

The Grant Offer for the Bipartisan Infrastructure Law (BIL) - Airport Infrastructure Grant (AIG) Project No. 3-12-0026-017-2023 at Umatilla Municipal Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

You may not make any modification to the text, terms or conditions of the grant offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor’s authorized representative(s) (hereinafter “authorized representative”).
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor’s attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor’s attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor’s attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **August 4, 2023**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi Invoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution

3-12-0026-017-2023

date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in "inactive" status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each Federal fiscal quarter.


Audit Requirements. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Jennifer Ganley, (407) 487-7237, jennifer.ganley@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Juan C. Brown (Jul 5, 2023 13:50 EDT)

Juan C. Brown
Acting Manager



U.S. Department of Transportation Federal Aviation Administration

FY 2023 AIRPORT INFRASTRUCTURE GRANT

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date July 5, 2023

Airport/Planning Area Umatilla Municipal Airport

Airport Infrastructure Grant Number 3-12-0026-017-2023

Unique Entity Identifier P4FAAQABEDV3

TO: City of Umatilla
(herein called the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated March 3, 2023, for a grant of Federal funds for a project at or associated with the Umatilla Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Umatilla Municipal Airport (herein called the "Project") consisting of the following:

Rehabilitate Airport Beacon (design); Expand General Aviation Apron (design)

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto; (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

3-12-0026-017-2023

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) % of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$216,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$ 0 for planning

\$ 216,000 airport development or noise program implementation; and,

\$ 0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

a. **Period of Performance:**

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).

b. **Budget Period:**

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the Period of Performance provided in Paragraph 2(a)(1). Pursuant to 2 CFR § 200.403(h), a sponsor may charge to the Grant only allowable costs incurred up to the end of the Budget Period. Eligible project-related costs incurred on or after November 15, 2021 that comply with all Federal funding procurement requirements and FAA standards are allowable costs.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR § 200.308.

c. **Close Out and Termination**

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the Period of Performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will

3-12-0026-017-2023

proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary, and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, BIL (Public Law 117-58), the regulations, and the Secretary of Transportation's ("Secretary's") policies and procedures. Per 2 CFR § 200.308, the Sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **August 4, 2023**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.

3

3-12-0026-017-2023

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**
- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of BIL Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.
- The FAA can, subject to the availability of Federal funds, also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.
- The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.
- An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this Grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.
17. **Build America, Buy American.** The sponsor must comply with the requirements under the Build America, Buy America Act (Public Law 117-58).

3-12-0026-017-2023

18. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this Grant Offer:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects if funds are available;
- c. May be increased by not more than the greater of the following for a land project, if funds are available:
 1. 15 percent; or
 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in BIL (Public Law 117-58), or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

19. **Audits for Sponsors.**

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$750,000 in Federal awards and are exempt from Federal audit requirements must make records available for review or audit by the appropriate Federal agency officials, State, and Government Accountability Office. The FAA and other appropriate Federal agencies may request additional information to meet all Federal audit requirements.

20. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.
- c. Immediately disclose in writing to the FAA whenever (1) the Sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the Public Sponsor suspends or debar a contractor, person, or entity.

5

3-12-0026-017-2023

21. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - i. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - ii. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

22. Trafficking in Persons.

- a. *Posting of contact information.*
1. The Sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.
- b. *Provisions applicable to a recipient that is a private entity.*
1. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not:
 - i. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - ii. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - iii. Use forced labor in the performance of the Grant or any subgrants under this Grant.
 2. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph (a) of this Grant Condition; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph (a) of this Grant Condition through conduct that is either –
 - a) Associated with performance under this Grant; or
 - b) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are

3-12-0026-017-2023

provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.

- c. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if a subrecipient that is a private entity –
1. Is determined to have violated an applicable prohibition in paragraph (a) of this Grant Condition; or
 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph (a) of this Grant Condition through conduct that is either –
 - i. Associated with performance under this Grant; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.
- d. *Provisions applicable to any recipient.*
1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a) of this Grant Condition.
 2. Our right to terminate unilaterally that is described in paragraph (a) or (b) of this Grant Condition:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended [22 U.S.C. § 7104(g)], and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Grant.
 3. You must include the requirements of paragraph (a) of this Grant Condition in any subgrant you make to a private entity.
- e. *Definitions. For purposes of this Grant Condition:*
1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Grant; or
 - ii. Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 2. "Force labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

7

3-12-0026-017-2023

3. "Private entity":

- i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR § 175.25.
- ii. Includes:
 - a) A nonprofit organization, including any nonprofit institute of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).
 - b) A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

23. **BIL Funded Work Included in a PFC Application.** Within 120 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.

24. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated October 8, 2020, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.

25. **Employee Protection from Reprisal.**

a. Prohibition of Reprisals

- 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in subparagraph (a)(2) below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
- 2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or

3-12-0026-017-2023

- vii. An authorized official of the Department of Justice or other law enforcement agency.
 - b. Investigation of Complaints.
 - 1. Submission of Complaint. A person who believes that they have been subjected to a reprisal prohibited by paragraph (a) of this Condition may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 - 2. Time Limitation for Submittal of a Complaint. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 - 3. Required Actions of the Inspector General. Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
 - c. Remedy and Enforcement Authority.
 - 1. Assumption of Rights to Civil Remedy. Upon receipt of an explanation of a decision not to conduct or continue an investigation by the OIG, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)(2).
26. **Prohibited Telecommunications.** Sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [Public Law 115-232 § 889(f)(1)] and 2 CFR § 200.216.

SPECIAL CONDITIONS

27. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.


3-12-0026-017-2023

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



Juan C. Brown (Jul 5, 2023 13:50 EDT)
(Signature)

Juan C. Brown

Bart Vernace

Acting Manager

Manager

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

3-12-0026-017-2023

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated _____

City of Umatilla

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

3-12-0026-017-2023

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Florida. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL), Division J, Title VIII; and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at _____

By: _____
(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

3-12-0026-017-2023

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Public Law 117-58, Division J, Title VIII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

3-12-0026-017-2023

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

-
- a. 49, U.S.C. subtitle VII, as amended.
 - b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
 - c. Federal Fair Labor Standards Act - 29 U.S.C. § 201, et seq.
 - d. Hatch Act – 5 U.S.C. § 1501, et seq.²
 - e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
 - f. National Historic Preservation Act of 1966 – Section 106 - 54 U.S.C. § 306108.1.¹
 - g. Archeological and Historic Preservation Act of 1974 - 54 U.S.C. § 312501, et seq.¹
 - h. Native Americans Grave Repatriation Act - 25 U.S.C. § 3001, et seq.
 - i. Clean Air Act, P.L. 90-148, as amended - 42 U.S.C. § 7401, et seq.
 - j. Coastal Zone Management Act, P.L. 92-583, as amended - 16 U.S.C. § 1451, et seq.
 - k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. § 4012a.¹
 - l. 49 U.S.C. § 303, (formerly known as Section 4(f))
 - m. Rehabilitation Act of 1973 - 29 U.S.C. § 794.
 - n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
 - o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
 - p. Age Discrimination Act of 1975 - 42 U.S.C. § 6101, et seq.
 - q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
 - r. Architectural Barriers Act of 1968, as amended - 42 U.S.C. § 4151, et seq.¹
 - s. Powerplant and Industrial Fuel Use Act of 1978 – Section 403 - 42 U.S.C. § 8373.¹
 - t. Contract Work Hours and Safety Standards Act - 40 U.S.C. § 3701, et seq.¹
 - u. Copeland Anti-kickback Act - 18 U.S.C. § 874.¹
 - v. National Environmental Policy Act of 1969 - 42 U.S.C. § 4321, et seq.¹
 - w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
 - x. Single Audit Act of 1984 - 31 U.S.C. § 7501, et seq.²
 - y. Drug-Free Workplace Act of 1988 - 41 U.S.C. §§ 8101 through 8105.
 - z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

3-12-0026-017-2023

- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{4,5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹

3-12-0026-017-2023

- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

3-12-0026-017-2023

2. Responsibility and Authority of the Sponsor.**a. Public Agency Sponsor:**

It has legal authority to apply for this Grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or

3-12-0026-017-2023

document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of 49 U.S.C. § 47107(s) and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

3-12-0026-017-2023

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

3-12-0026-017-2023

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 U.S.C. § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

3-12-0026-017-2023

- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying aviators of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

3-12-0026-017-2023

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

3-12-0026-017-2023

- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a Grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the

3-12-0026-017-2023

revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 U.S.C. § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
 - b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

3-12-0026-017-2023

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and

3-12-0026-017-2023

which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

3-12-0026-017-2023

structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 2. So long as the sponsor retains ownership or possession of the property.
- d. **Required Solicitation Language.** It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:
- “The City of Umatilla, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.”
- e. **Required Contract Provisions.**
1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
 2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
 3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
 4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

3-12-0026-017-2023

- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. § 47114, 47115, or 47117, or under Public Law 117-58, Division J, Title VIII; or
4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117, or under Public Law 117-58, Division J, Title VIII; or
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-

3-12-0026-017-2023

sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., or Public Law 117-58, Division J, Title VIII it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Infrastructure Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for AIG projects as of March 3, 2023.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

3-12-0026-017-2023

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 U.S.C. § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

Start

Close



1 / 32

By signing, I agree to this agreement, the [Consumer Disclosure](#) and to do business electronically with FAA.



Click to Sign

Language English: US

- [A mobile-friendly view](#)
- [Delegate signing to another](#)
- [Decline to sign](#)
- [Clear document data](#)
- [View history](#)
- [Download PDF](#)
- [Help](#)
- [Legal Notices](#)
- English: US



CITY OF UMATILLA
AGENDA ITEM STAFF REPORT

DATE: July 13, 2023

MEETING DATE: July 18, 2023

SUBJECT: RFQ 2023-02 Professional General Engineering Consulting Services Umatilla Municipal Airport Ranking

BACKGROUND SUMMARY:

On June 27, 2023 a Request for Qualifications for General Engineering Consulting Services for the Umatilla Municipal Airport was placed on behalf of the City on Vendorlink the City's preferred BID solicitation website.

The City held the RFQ opening on July 13, 2023, at 2:00 p.m. The following firm submitted statements of qualification for consideration:

1. Avcon, Inc.

The RFQ Committee reviewed the respondents' qualifications and recommends that Avcon, Inc. be awarded the Professional General Engineering Consulting Services Contract for the Umatilla Municipal Airport.

RECOMMENDATIONS:

Approval of the ranking and award to Avcon, Inc.

FISCAL IMPACTS:

N/A

ATTACHMENTS:

N/A



**CITY OF UMATILLA
AGENDA ITEM STAFF REPORT**

DATE: July 13, 2023

MEETING DATE: July 18, 2023

SUBJECT: Umatilla Police Retirement Board Appointment

BACKGROUND SUMMARY:

The Police Retirement Board is comprised of five members, two of which are required by State Statute to be appointed by the City Council and are required to be City residents. The appointment is for a two-year term.

Police Retirement Board members up for reappointment are Police Officer Josh Brown and Lake County Sheriff’s Deputy Eric Van Buskirk. Deputy Eric Van Buskirk has expressed interest in continuing serving on this board. Police Officer Josh Brown no longer wishes to serve.

Retired Deputy Eric Wimberly, a City resident, has volunteered to serve on this board for the next two-year term beginning immediately through July 16, 2025.

RECOMMENDATIONS:

Approval of the reappointment of Deputy Eric Van Buskirk and the appointment of Eric Wimberly to serve on the Umatilla Police Retirement Board.

FISCAL IMPACTS:

N/A

ATTACHMENTS:

N/A



Umatilla Public Library FY 22-23



June 2023

Library Monthly Statistics FY 22-23	Q 1	Q 2	June 2023	Q3	FY 22-23
Visits (<i>door count halved</i>)	11,077	10,604	3,257	10,004	31,685
Checkouts	8,044	9,308	3,644	9,553	26,905
E-Books (digital)	1,065	1,188	509	1,419	3,672
Total Circulation	9,379	10,496	4,153	10,972	30,847
New Patrons	70	105	55	132	307
Computer use	891	831	259	647	2,369
Adult Volunteer Hours	110	126	29	85	321
Attendance Family Programs	1,065	155	63	131	1,351
Attendance Adult Programs	67	84	90	135	286
Attendance Teen Programs	297	320	27	178	795
Attendance Juvenile Programs	402	470	360	572	1,444
Total # of Programs	114	127	31	86	327
Meeting room Rental	-	-	-	-	-
Cash to city (including cc)	\$ 1,434.03	\$ 3,561.34	\$ 622.45	\$ 1,493.44	\$ 6,488.81

Highlights

Summer Reading: As of June 181 children, 14 teens and 29 adults have registered for the Summer Reading Program. Zoo Mom brought a tarantula, an alligator, a giant snake and more fabulous animals to amaze and delight Umatilla library patrons. In July the Friends of the Library will have a Kona Ice Truck as a fundraiser on Thursday, June 13 from 11 am to 2 pm.

Beanstack, the new online reading program we are using for teens and adults, tracks minutes read for the participants. In June it reported teens reading for 10,890 minutes and adults for 42,707 minutes.



Seed Library: The seed library, started with a donation from the UF/IFAS agricultural extension office program, has brought new patrons into the library. Thanks to the Sowers & Growers Facebook Group and the North Lake Outpost newspaper, word has spread outside of the library. An anonymous donor tripled our collection. In June 95 library visitors brought home seeds for fruits, vegetables and flowers. Several patrons have brought back seeds they have harvested.

UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF
June 20, 2023 through June 27, 2023

ARRESTS

06/23/2023	6:05 pm	Clinton Lucroy	Officers arrested Clinton Lucroy of Umatilla at 91 Fairway Cir. On an arrest warrant.
------------	---------	----------------	---

CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

06/20/2023	6:20p m	Alexis Maldonado	Officers issued Alexis Maldonado a criminal citation for driving while license suspended with knowledge.
------------	---------	------------------	--

REPORTS FILED

06/20/2023	10:48 pm	Officers responded to a traffic crash on East Lake St.	
06/21/2023	9:57 am	Officers responded to a traffic crash at CR 42 and SR 19.	
06/21/2023	1:13 pm	Officers took a report of a battery at the Police Department. The case was determined to be unfounded.	
06/21/2023	3:11 pm	Officers took a report of a fraud at 390 Golden Gem Dr.	
06/21/2023	9:29 pm	Officers responded to a request for assistance from the Lake County Sheriff Office in reference to a crash at SR 19 an NFS 19-5.7	
06/22/2023	9:11 AM	Officers responded to a vandalism at 220 E Collins st.	
06/22/2023	09:35 am	Officers responded to a burglary at 220 E Collins St.	
06/23/2023	09:02 AM	Officers responded to SR 19 and Roberts St. in reference to a hit and run vehicle crash.	
06/23/2023	10:06 am	Officers responded to a vandalism at 40 S Central Ave.	
06/23/2023	8:28 pm	Officers responded to 248 E Collins St. in response to an intoxicated person causing a disturbance.	

06/24/2023	07:15 am	Officers responded to 95 S Trowell in reference to a dispute between a landlord and tenants.	Item 10.
06/24/2023	3:57 pm	Officers responded to the Save a lot at 933 N Central Ave in reference to a stolen wallet.	
06/25/2023	1:40 pm	Officers responded to Cadwell Park at 1 Cassady St. in reference to a vehicle fire.	
06/25/2023	5:56 pm	Officers responded to Pizza hut at 939 N Central Ave in reference to a customer refusing to leave and creating a disturbance.	
06/25/2023	9:41 pm	Officers responded to a vehicle crash at McDonalds located at 400 Hatfield Dr.	
06/26/2023	5:57 am	Officers responded to a traffic crash with injuries at CR 42 and Hospitality Ln.	
06/26/2023	8:37 am	Officers assisted the Lake County Sheriffs Office in searching for a driver who brandished a firearm at another driver on SR 19 in Altoona.	
06/27/2023	6:58 am	Officers took a report of a theft from 825 S Central Ave	
06/27/2023	8:37a m	Officers responded to a traffic crash at S Central Ave and Mebane St.	
ARRESTS		2	
DISPATCHED CALLS		88	
TRAFFIC STOPS		12	
TRAFFIC CITATIONS ISSUED		1	

UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF
June 27, 2023 through July 2, 2023

ARRESTS

7/04/2023	4:14 p.m.	Baker, Tracey Umatilla	Aggravated Battery (Domestic); Revoke/Resist Law Enforcement Officer Without Violence.
-----------	--------------	---------------------------	--

CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

n/a			
-----	--	--	--

REPORTS FILED

7/05/2023	9:43 a.m.	Officers responded to a residence on Highland Street in reference to a disturbance. Upon arrival, person was having a medical episode. EMS arrived and transported person to Advent Health Waterman.
7/05/2023	10:51 p.m.	Officers responded to call of a suspicious person at the Kangaroo Express on State Road 19. Person was waiting on an Uber ride to take him home.
7/06/2023	1:34 p.m.	Officers were called to the Family Dollar in reference to a person having a medical episode. Person declined EMS.
7/06/2023	9:48 p.m.	Officers were called to a residence on Lakeside Avenue in reference to a verbal dispute. Subject was gone on arrival.
7/06/2023	10:52 p.m.	Officers responded to a residence on Lieth Street in reference to suspicious activity.
7/07/2023	2:21 P.M.	Officers assisted the Lake County Sheriffs Office with a medical call on East Twelfth Street. Person was turned over to EMS.
7/09/2023	9:39 p.m.	Officers responded to a residence on Turtle Run in reference to a verbal dispute. Person was gone on arrival.

ARRESTS	1
DISPATCHED CALLS	86
TRAFFIC STOPS	16
TRAFFIC CITATIONS ISSUED	0