

RESOLUTION NO. 25R-07-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA RELATING TO THE PROVISION OF STORMWATER SERVICES TO THOSE AREAS MORE COMMONLY KNOWN AS ST. GEORGE, WEST KEN LARK, BROWARD ESTATES, AND THE SWAP SHOP; DECLARING THE ESTIMATED NON-AD VALOREM SPECIAL ASSESSMENT RATE FOR FISCAL YEAR 2026; PROVIDING FOR RE-IMPOSITION OF THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS ON THE ANNUAL TAX BILL FOR ALL RELATED COSTS AND FEES FOR THE DESIGNATED AREAS; STATING A NEED FOR SUCH LEVY TO COVER THE COSTS AND FEES FOR STORMWATER SERVICES; ALLOWING FOR INCREASES EQUIVALENT TO THE COSTS CHARGED BY THE SERVICE PROVIDER; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously expressed its intent to use the uniform method for collecting non-ad valorem special assessments for the cost of providing Storm Water services to those annexed areas within the incorporated area of the City of Lauderhill who are serviced by All Service Refuse, Inc., more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop as authorized by Section 197.3632 of the Florida Statutes, as amended, because this method would allow such special assessments to be collected annually, in the same manner as provided for ad valorem taxes via the Original Intent Resolution No. 08R-12-272 on December 8, 2008; and

WHEREAS, the City Commission imposed these special assessments for the annual cost of providing Storm Water services to the designated areas via Resolution No. 09R09-165, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 14, 2009 following a public hearing; and

WHEREAS, Ordinance No. 090-09-137 approved the imposition of the uniform method of collection of the actual costs charged by the service provider for Storm Water services which passed on first reading on September 14, 2009 and on second reading on September 29, 2009; and

WHEREAS, individual notice of this duly advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing when Resolution No. 09R-09-165 was adopted and when the first reading of Ordinance No. 090-09-137 was held on September 14, 2009 via the TRIM notice that was sent by the Broward County Property Appraiser's Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 14, 2009 prior to the passage of Resolution 09R-09-165 and the first reading of Ordinance 09O-09-137, with second reading held on September 29, 2009; and

WHEREAS, the City Commission imposed special assessments for the annual cost of providing Storm Water services to the designated areas via Resolution No. 10R-09-176, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 13, 2010 following a public hearing; and

WHEREAS, Ordinance No. 100-09-151 approved the imposition of the uniform method of collection of the actual costs charged by the service provider for Storm Water services on first reading on September 13, 2010 and on second reading on September 27, 2010; and

WHEREAS, individual notice of that advertised public hearing was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing of Resolution No. 10R-09-176 and the first reading of Ordinance No. 100-09-151 on September 13, 2010 via the TRIM notice that was sent by the Broward County Property Appraiser's Office, and notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents regarding the certification and re-imposition of the annual tax assessments; however, any residents that were present were heard at the Public Hearing held on September 13, 2010 prior to the passage of Resolution 10R-09-176 and the first reading of Ordinance 100-09-151, with second reading held on September 27, 2010; and

WHEREAS, a public meeting was held on the Preliminary Assessment Rate Resolution No. 11R-08-128 on August 1, 2011 which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of this duly advertised public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of the Resolution and first reading of the Ordinance on September 14, 2011 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing to be held on September 14, 2011 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 28, 2011; and

WHEREAS, notice of this duly advertised public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of the Resolution and first reading of the Ordinance on September 12, 2012 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing to be held on September 12, 2012 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 28, 2012; and

WHEREAS, notice of this duly advertised public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of Resolution 13R-07-147 and first reading of the Ordinance on September 12, 2013 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing on September 12, 2013 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2013; and

WHEREAS, notice of the duly advertised public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the potential adoption of the Resolution and first reading of the Ordinance on September 15, 2014 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 15, 2014 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 29, 2014; and

WHEREAS, Preliminary Assessment Rate Resolution No. 15R-07-164 was considered at a public meeting on July 13, 2015, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 11, 2015 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 11, 2015 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance that was held on September 21, 2015; and

WHEREAS, Preliminary Assessment Rate Resolution No. 16R-07-145 was considered at a public meeting on July 11, 2016, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 14, 2016 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing be held on September 14, 2016 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance that was held on September 28, 2016;

WHEREAS, Preliminary Assessment Rate Resolution No. 17R-07-172 was considered at a public meeting on July 10, 2017, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 13, 2017 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing to be held on September 13, 2017 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 25, 2017; and

WHEREAS, Preliminary Assessment Rate Resolution No. 18R-07-149 was considered at a public meeting on July 10, 2018, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632

prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 12, 2018 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing to be held on September 12, 2018 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 26, 2018; and

WHEREAS, Resolution No. 19R-07-142 was considered at a public meeting on July 9, 2019, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 12, 2019 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 12, 2019 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance which was held on September 26, 2019; and

WHEREAS, Resolution No. 20R-07-141 was considered at a public meeting on July 14, 2020, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 14, 2020 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing to be held on September 14, 2020 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance which was held on September 28, 2020; and

WHEREAS Resolution No. 21R-07-153 was considered at a public meeting on July 13, 2021, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632

prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 13, 2021 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 13, 2021 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 27, 2021; and

WHEREAS, Preliminary Assessment Rate Resolution No. 22R-07-148 will be considered at a public meeting on July 12, 2022, which will provide the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing will be published in the newspaper and will be mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 14, 2022 via the TRIM notice that will be sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents will have the right to file written objections regarding the certification and re-imposition of the annual tax assessments and have the right to be present and to be heard at the Public Hearing to be held on September 14, 2022 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 28, 2022; and

WHEREAS, Preliminary Assessment Rate Resolution No. 23R-07-191 was adopted at a public meeting on July 11, 2023, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 14, 2023 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 14, 2023 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 28, 2023; and

WHEREAS, Preliminary Assessment Rate Resolution No. 24R-07-149 was adopted at a public meeting on July 9, 2024, which provided the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing was published in the newspaper and was mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 12, 2024 via the TRIM notice that was sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents had the right to file written objections regarding the certification and re-imposition of the annual tax assessments and had the right to be present and to be heard at the Public Hearing held on September 12, 2024 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance held on September 26, 2024; and

WHEREAS, this Preliminary Assessment Rate Resolution No. 25R-07-139 will be considered at a public meeting on July 15, 2025, which will provide the estimated assessments relative to stormwater services; and

WHEREAS, notice of the public hearing will be published in the newspaper and will be mailed to each affected property owner as required by the Florida Statutes, Section 197.3632 prior to the public hearing for the adoption of the Final Rate Resolution and first reading of the Ordinance on September 12, 2025 via the TRIM notice that will be sent by the Broward County Property Appraiser's Office; and

WHEREAS, residents will have the right to file written objections regarding the certification and re-imposition of the annual tax assessments and have the right to be present and to be heard at the Public Hearing to be held on September 12, 2025 prior to the passage of the Resolution and first reading of the Ordinance, with the second reading of the Ordinance scheduled on September 29, 2025;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That commencing with the Fiscal Year beginning on October 1, 2025, and with the tax statement mailed for such Fiscal Year, the City of Lauderhill will continue to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632 of the Florida Statutes, as amended, for collecting non ad valorem assessments for the cost and fees associated with providing Stormwater services only for those areas who are serviced by the Service Provider, more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop. Such non-ad valorem assessments shall be re-imposed and levied within the incorporated area of the City of Lauderhill only to the designated areas on their annual tax bill. Any and all delinquent amounts owed for such services rendered from unpaid prior monthly billing will appear on the tax bill as a lump sum due, if applicable. A map and/or legal description of the area subject to this assessment is attached hereto as Exhibit "A" and incorporated herein by reference thereto.

SECTION 2. The City of Lauderhill hereby determines that the levy of such assessments is needed to fund the actual costs and fees to provide Stormwater services within the incorporated area of the City only to the designated areas. The proposed estimated non-ad valorem rate to be assessed is \$297.01, which is an increase over last year. This estimated rate which is intended to merely reflect pass thru costs was fully disclosed at the public meeting on July 15, 2025 but only those actual rates charged by the Service Provider will be assessed.

SECTION 3. The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2025, in the manner provided in the Florida Statutes. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The assessment for each parcel will be billed through the Broward County Property Appraiser's Office, via the Ad Valorem Tax Bill and collected through the Broward County Revenue Collections Division, as authorized by Florida Statutes, Section 197.3632. The Florida Statutes require the disclosure to owners, that "failure to pay the assessments will cause a Tax Certificate to be issued against the property, which may result in the loss of title."

SECTION 4. There is hereby established a public hearing to be held at 5:50 p.m. on September 12, 2025, in City Commission Chambers of City Hall, 5581 West Oakland Park Boulevard, Lauderhill, Florida, at which time the City Commission will receive and consider any comments on the Stormwater Assessments from the public and affected property owners and consider re-imposing Stormwater Assessments for the Fiscal Year beginning October 1, 2025 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 5. The City published a notice of the public hearing authorized by Section 4 of this Preliminary Rate Resolution in the manner and time provided in the Florida Statutes, a copy of which is on file with the city clerk's office.

SECTION 6. Pursuant to section 200.069(13)(a), Florida Statutes, and with agreement of the Property Appraiser, the City has elected to combine notice of the public hearing authorized by Section 4 hereof with the truth-in-millage notification required pursuant to section 200.069, Florida Statutes. Such mailed notice shall be in the form required by section 200.069(13)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and the Ordinance for the purpose of imposing Storm Water Assessments for the Fiscal Year beginning October 1, 2025. All first class mailed notices will be mailed timely consistent with all statutory requirements.

SECTION 7. Upon adoption, the City Clerk is hereby directed to send a certified copy of this Resolution confirming the preliminary estimate of the non-ad valorem assessment rate for Storm Water to the Broward County Property Appraiser by August 4, 2025.

SECTION 8. This Resolution shall take effect immediately upon its passage and adoption.

DATED this ____ day of _____, 2025.

PASSED AND ADOPTED on first reading this _____ day of _____, 2025.

DENISE D. GRANT
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

MOTION _____
SECOND _____

R. CAMPBELL _____
M. DUNN _____
D. GRANT _____
J. HODGSON _____
S. MARTIN _____

Approved as to Form

Hans Ottinot
City Attorney