

RESOLUTION NO. 19R-09-182

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, ADOPTING, APPROVING, CERTIFYING AND RE-IMPOSING THE UNIFORM METHOD FOR COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY OF LAUDERHILL ON THE ANNUAL TAX BILL FOR THE COSTS AND FEES OF PROVIDING STORM WATER SERVICES ONLY TO THOSE AREAS MORE COMMONLY KNOWN AS ST. GEORGE, WEST KEN LARK, BROWARD ESTATES, AND THE SWAP SHOP; CERTIFYING THE FINAL ASSESSMENT ROLL; PROVIDING FOR RE-IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR ALL RELATED COSTS AND FEES FOR THE DESIGNATED AREAS; DECLARING A STORMWATER ASSESSED COST FOR THE FISCAL YEAR 2020; STATING A NEED FOR SUCH LEVY TO COVER THE ACTUAL COSTS AND FEES FOR SERVICES; ALLOWING FOR INCREASES EQUIVALENT TO THE ACTUAL COSTS CHARGED BY THE SERVICE PROVIDER; 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. 09R-09-165, 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 the 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 having occurred on September 29, 2009; and

WHEREAS, individual notice of the 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 of Resolution No. 10R-09-176 and the first reading of Ordinance No. 10O-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 10O-09-151, with second reading on September 27, 2010; and

WHEREAS, the City Commission re-imposed the special assessment for the annual cost of providing storm water services to the designated areas via Resolution No. 11R-09-169, 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, 2011 following a public hearing; and

WHEREAS, Ordinance No. 11O-09-164 approved the re-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 14, 2011 and on second reading on September 28, 2011; and

WHEREAS, individual notice of the 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 of Resolution No. 11R-09-169 and the first reading of Ordinance No. 11O-09-164 on September 14, 2011 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, 2011 prior to the passage of Resolution 11R-09-169 and the first reading of Ordinance 11O-09-164, with second reading scheduled on September 28, 2011; and

WHEREAS, the City Commission re-imposed the special assessments for the annual cost of providing storm water services to the designated areas via Resolution No. 12R-09-196, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 12, 2012 following a public hearing; and

WHEREAS, Ordinance No. 120-09-140 approved the re-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 12, 2012 and on second reading on September 28, 2012; and

WHEREAS, individual notice of the 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 of Resolution No. 12R-09-196 and the first reading of Ordinance No. 120-09-140 on September 12, 2012 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 12, 2012 prior to the passage of Resolution 12R-09-196 and the first reading of Ordinance 120-09-140, with second reading scheduled on September 28, 2012;

WHEREAS, the City Commission is seeking to re-impose these special assessments for the annual cost of providing storm water services to the designated areas via the Resolution, the Final Resolution Approving and Certifying the Uniform Method for Collecting the Non-Ad Valorem Special Assessments and the Certified Assessment Roll, on September 12, 2013 following a public hearing; and

WHEREAS, the corresponding Ordinance proposes to approve the re-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 12, 2013 and on second reading on September 26, 2013; 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 of the Resolution and the first reading of the corresponding Ordinance on September 12, 2013 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 12, 2013 prior to the passage of Resolution No. 13R-09-199 and the first reading of the corresponding Ordinance No. 130-09-141, with second reading scheduled on September 26, 2013; 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 of the Resolution and the first reading of the corresponding Ordinance on September 15, 2014 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 15, 2014 prior to the passage of this Resolution No. 14R-09-197 and the first reading of the corresponding Ordinance No. 14O-09-143, with second reading scheduled on September 29, 2014; 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 of the Resolution and the first reading of the corresponding Ordinance on September 11, 2015 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 11, 2015 prior to the passage of this Resolution No. 15R-09-203 and the first reading of the corresponding Ordinance No. 15O-09-138, with second reading scheduled on September 21, 2015; 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 of this Resolution and the first reading of the corresponding Ordinance on September 14, 2016 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, 2016 prior to the passage of Resolution No. 16R-09-191 and the first reading of the corresponding Ordinance No. 16O-09-136, with second reading scheduled on September 28, 2016; 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 of the Resolution and the first reading of the corresponding Ordinance on September 13, 2017 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, 2017 prior to the passage of Resolution No. 17R-09-232 and the first reading of the corresponding Ordinance No. 17O-09-136, with second reading scheduled on September 25, 2017; 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 of the Resolution and the first reading of the corresponding Ordinance on September 12, 2018 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 12, 2018 prior to the passage of Resolution No. 18R-09-187 and the first reading of the corresponding Ordinance No. 18O-09-135, with second reading scheduled on September 26, 2018; 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 of the Resolution and the first reading of the corresponding Ordinance on September 12, 2019 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 12, 2019 prior to the passage of Resolution No. 19R-09-182 and the first reading of the corresponding Ordinance No. 19O-09-128, with second reading scheduled on September 26, 2019;

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, 2019, and with the Annual Tax Bill mailed for each Fiscal Year thereafter, 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 storm water services *only* for the areas more commonly known as St. George, West Ken Lark, Broward Estates and the Swap Shop. Such non-ad valorem assessments shall be imposed and levied within the incorporated area of the City of Lauderhill *only* to the designated areas on the 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 storm water services within the incorporated area of the City *only* to the designated areas. The proposed *final* rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The proposed estimated rate of \$233.79 was fully disclosed and adopted on July 9, 2019. The *final rate* was fully disclosed at the Public Hearing on September 12, 2019, however, only those actual rates charged by the service provider will be assessed.

SECTION 3. 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. The City of Lauderdale Hill hereby Certifies the Non-Ad Valorem Final Assessment Roll as presented at the time of the Public Hearing on September 12, 2019 and directs the City Manager to update the Assessment roll.

SECTION 5. Upon adoption, the City Clerk is hereby directed to send a certified copy of this Resolution and Certificate of Non-Ad Valorem Final Assessment Roll via United States mail to the Florida Department of Revenue, the Broward County Department of Revenue Collection, and the Broward County Property Appraiser by September 15, 2019.

SECTION 6. This Resolution shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2019.

PASSED AND ADOPTED on first reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. BATES _____
H. BERGER _____
R. CAMPBELL _____
D. GRANT _____
K. THURSTON _____

Approved as to Form

W. Earl Hall
City Attorney