

ORDINANCE NO. 190-09-127

AN ORDINANCE 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 WINDERMERE/TREE GARDENS SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT DESIGNATED AREA AS REFLECTED ON THE ANNUAL TAX BILL FOR COSTS AND EXPENSES ASSOCIATED WITH THE IMPROVEMENT DISTRICT; DECLARING A SAFE NEIGHBORHOOD SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2020; PROVIDING FOR RE-IMPOSITION OF ANNUAL BILLING ON THE TAX BILL FOR THE ACTUAL COSTS AND EXPENSES FOR THE IMPROVEMENT DISTRICT DESIGNATED AREA; STATING A NEED FOR SUCH LEVY TO COVER THE ACTUAL COSTS ASSOCIATED WITH THE IMPROVEMENT DISTRICT; ALLOWING FOR INCREASES EQUIVALENT TO THE ACTUAL COSTS INCURRED NOT TO EXCEED NON-AD VALOREM SPECIAL ASSESSMENTS OF \$500.00 AND 2 MILLS FOR EACH INDIVIDUAL PARCEL OF LAND PER YEAR; PROVIDING FOR THE MAILING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lauderhill City Commission declared its Initial Intent to use the uniform method for collecting non-ad valorem special assessments levied within the designated Local Government Safe Neighborhood Improvement District Area via Original Intent Resolution 09R-02-38 following a public hearing that was held on February 23, 2009; and

WHEREAS, Ordinance No. 090-03-119 passed on April 13, 2009 authorized the establishment of Local Government Safe Neighborhood Improvement Districts generally within the City of Lauderhill and granting the authority, *inter alia*, to collect non-ad valorem special assessments and/or an ad valorem tax levy of up to 2 mills ; and

WHEREAS, Ordinance No. 090-03-120 passed on April 13, 2009 created the specific Windermere/Tree Gardens Safe Neighborhood Improvement District and designated the specific improvement district area; and

WHEREAS, the City of Lauderhill has the authority to, and has opted to, levy a non-ad valorem assessment not to exceed \$500.00 for each individual parcel of land per year and to levy ad valorem taxes of up to 2 mills annually within the improvement district area as authorized by law; and

WHEREAS, the City Commission passed Resolution No. 09R-09-166, 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 thereby imposing non-ad valorem special assessments in the amount of \$192.00 and an ad valorem tax levy of 2 mills for the actual costs associated with the Improvement District; and

WHEREAS, Ordinance No. 090-09-138 approved the imposition of the uniform method of collection and the collection of the actual costs associated with the Improvement District for Fiscal Year 2010 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 for the adoption of Resolution No. 09R-09-166 and first reading of Ordinance No. 090-09-138 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 residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 14, 2009 prior to the passage of Resolution No. 09R-09-166 and first reading of Ordinance 090-09-166, which passed 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 for the adoption of Resolution No. 10R-09-175 and first reading of Ordinance No. 100-09-150 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 residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 13, 2010 prior to the passage of Resolution No. 10R-09-175 and first reading of Ordinance 100-09-150, which passed on second reading on September 27, 2010; 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 for the adoption of Resolution No. 11R-09-167 and first reading of Ordinance No. 110-09-162 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 residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 14, 2011 prior to the passage of Resolution No. 11R-09-167 and first reading of Ordinance 110-09-162, which passed 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 for the adoption of Resolution No. 12R-09-194 and first reading of Ordinance No. 12O-09-138 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 residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2012 prior to the passage of Resolution No. 12R-09-194 and first reading of Ordinance 12O-09-138, which passed on second reading on September 28, 2012;

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 for the adoption of the corresponding Resolution 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2013 prior to the passage of the corresponding Resolution No. 13R-09-206 and first reading of Ordinance No. 13O-09-148, which passed on second reading on September 26, 2013; 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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 15, 2014 prior to the passage of the corresponding Resolution No. 14R-09-196 and first reading of this Ordinance No. 14O-09-142, which passed on second reading on September 29, 2014; 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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 11, 2015 prior to the passage of the corresponding Resolution No. 15R-09-202 and first reading of this Ordinance No. 15O-09-137, which passed on second reading on September 21, 2015;

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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 14, 2016 prior to the passage of the corresponding Resolution No. 16R-09-190 and first reading of this Ordinance No. 16O-09-135, which passed on second reading on September 28, 2016; 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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 13, 2017 prior to the passage of the corresponding Resolution No. 17R-09-231 and first reading of this Ordinance No. 17O-09-135, which passed on second reading on September 25, 2017; 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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax

assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2018 prior to the passage of the corresponding Resolution No. 18R-09-186 and first reading of this Ordinance No. 180-09-134, which was heard on second reading on September 26, 2018; 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 for the adoption of the corresponding 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 notice was also published in the newspaper; and

WHEREAS, no written objections were received from any residents residing in the designated District Area regarding the certification and imposition of the annual tax assessments; nevertheless, any residents that were present were heard at the Public Hearing held on September 12, 2019 prior to the passage of the corresponding Resolution No. 19R-09-181 and first reading of this Ordinance No. 190-09-127 which is scheduled to be heard on second reading on September 26, 2019;

NOW THEREFORE, BE IT ORDAINED 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 tax statement mailed 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 actual costs and expenses associated with the Safe Neighborhood Improvement District Designated Area. The assessments shall be re-imposed and levied within the designated Windermere/Tree Gardens Safe Neighborhood Improvement District Area as referenced on the Annual Tax Bill. A map of the designated District Area subject to this assessment is attached hereto as Exhibit "A" and incorporated herein by reference thereto.

SECTION 2. The City of Lauderhill hereby declares the non-ad valorem Windermere/Tree Gardens Safe Neighborhood Improvement District special assessed cost for Fiscal Year 2020, as well as the tax levy of ad valorem assessments, and determines that the levy of such assessments is needed to fund the actual costs and expenses associated with the Safe Neighborhood Improvement District Designated Area. The proposed estimated rates to be assessed are attached hereto as Exhibit "B" and incorporated herein by reference thereto. The proposed estimated rates were fully disclosed at the Public Hearing on July 9, 2019, and the final rates were fully disclosed on September 12, 2019, and on September 26, 2019. Only those actual costs and expenses incurred will actually 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. 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 Lauderhill previously certified the Assessment Roll of Non-Ad Valorem and Ad Valorem Assessments via Resolution No. 19R-09-181 which was passed at the Public Hearing in September 12, 2019.

SECTION 5. Upon adoption, the City Clerk is hereby directed to send a copy of this Ordinance to the Florida Department of Revenue, the Broward County Department of Revenue Collection, and the Broward County Property Appraiser.

SECTION 6. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 7. Should this Ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 8. This Ordinance shall take effect upon its passage and adoption.

DATED this ____ day of _____, 2019.

PASSED on first reading this ____ day of _____, 2019.

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

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BERGER	_____	_____
R. CAMPBELL	_____	_____
D. GRANT	_____	_____
K. THURSTON	_____	_____