

RESOLUTION NO. 17-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RELATING TO THE PROVISION OF STORMWATER SERVICES; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN THE CITY OF KEY WEST; APPROVING THE STORMWATER ASSESSMENT ROLL FOR THE STORMWATER SERVICE ASSESSMENTS FOR FISCAL YEAR 2017-2018; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Key West, Florida, has enacted Ordinance No. 13-10, the Stormwater Assessment Ordinance (the "Ordinance"), relating to Stormwater Management, which authorizes the annual imposition of Stormwater Service Assessments against real residential property specifically benefited by the City's Stormwater Management Services; and

WHEREAS, the imposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Management Service among parcels of property that are specially benefited thereby; and

WHEREAS, on August 6, 2013 the City Commission adopted Resolution No.13-197 the Initial Assessment Resolution For Stormwater Management Services (the "Initial Assessment Resolution"), and on September 5, 2013 the City Commission adopted Resolution No. 13-228 (the "Final Assessment Resolution") identifying the area within which the City provides Stormwater Management Services and those properties to be specifically benefited by the City's Stormwater Management Services (the "Stormwater Service Area"), describing the method of assessing the cost of the City's Stormwater Management Services (the "Stormwater Service Cost") against Developed Property located within the Stormwater Service Area, and

WHEREAS, pursuant to the provisions of Ordinance Section 74-372, the City is required to adopt and Annual Rate Resolution for each fiscal year to approve the Stormwater Assessment Roll for such fiscal year; and

WHEREAS, the Stormwater Assessment Roll has heretofore been filed with the office of the City Manager, as provided in Ordinance Section 74-369 of the Ordinance; and

WHEREAS, as required by the terms of Ordinance Sections 74-370 and 74-101, notice of a public hearing has been published and mailed to each property owner proposed to be charged a Stormwater Service Assessment, notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the Ordinance Section 74-362.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION FOR KEY WEST, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution is the Annual Rate Resolution for the imposition of Stormwater Service Assessments. All capitalized terms in this resolution shall have meanings defined in the Ordinance.

SECTION 3. APPROVAL OF STORMWATER ASSESSMENT ROLL. The Stormwater Assessment Roll, which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved.

SECTION 4. STORMWATER SERVICE ASSESSMENTS.

- (A) It is hereby ascertained, determined, and declared that each parcel of Assessed Property within the Stormwater Service Area will be specially benefited by the City's provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment total for such parcel. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance and the Initial Assessment Resolution from the Stormwater Management Services to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the residential properties that receive the special benefit.
- (B) The method for computing and apportioning the Stormwater Service Assessments described in the Initial Assessment Resolution is hereby approved.
- (C) For the Fiscal Year beginning October 1, 2017, the estimated Stormwater Service Cost of \$2,108,096 shall be allocated among all parcels of Assessed Property, based upon each parcels number of Net ESUs. The rate of assessment for each ESU for Stormwater, plus any delinquency or past due amounts attributable to each Parcel for Stormwater services and facilities provided for Fiscal Year 2017-18 is \$104.66. The annual rate of assessment is hereby

imposed for each Tax Parcel of Developed Property. A maximum assessment rate of \$111.03 per Net ESU is hereby approved for future fiscal years. This amount can be imposed in future fiscal years without additional notice, but is not required to be imposed. Stormwater Service Assessments for Stormwater Management Services in the amounts set forth in the Stormwater Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Stormwater Assessment Roll.

(D) The above rates of assessment are hereby approved. Except as otherwise provided herein, Stormwater Service Assessments for Stormwater Management Services in the amounts set forth in the updated Stormwater Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2017.

(E) The Stormwater Service Assessments shall constitute a lien upon the Tax Parcels so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for the Stormwater Service Assessments shall be deemed perfected upon adoption by the City Commission of this Annual Rate Resolution and shall attach to the property included on the Stormwater Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(F) The amount any Tax Parcel has as an outstanding delinquent Stormwater Assessment as of August 2016 for the Stormwater Assessment imposed is hereby approved and levied on said Tax Parcels. These delinquent Stormwater Assessments shall be included on the Assessment Roll to be collected along with the applicable rate for that Tax Parcel for the Fiscal Year beginning October 1, 2017.

SECTION 5. COLLECTION OF STORMWATER SERVICE ASSESSMENTS.

The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided in Section 74-376 of the City's Code of Ordinances. The City Manager is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Assessment Roll for the Stormwater Service Assessments to the Tax Collector by September 15, in the manner prescribed by Section 197.3632, Florida Statutes. The Stormwater Roll for the Stormwater Service Assessments, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION.

The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater Assessment Roll and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 7. EFFECTIVE DATE. That this Resolution shall go in to effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2017

Authenticated by the presiding officer and Clerk of the Commission on
_____, 2017

Filed with the Clerk _____, 2017

Mayor Craig Cates _____

Commissioner Samuel Kaufman _____

Commissioner Clayton Lopez _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

APPENDIX A
PROOF OF PUBLICATION

NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF STORMWATER SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the City of Key West will conduct a public hearing to consider re-imposing stormwater service assessments for the Fiscal Year beginning October 1, 2017, on all improved properties located within the incorporated area of the City to fund the cost of stormwater management services, facilities and programs provided to such properties and to authorize collection of such assessments on the 1st day.

The public hearing will be held at a Special City Commission meeting at 8:00 p.m. on September 8, 2017, City Hall, 1500 White St., Key West, Florida for the purpose of re-imposing public collection of the proposed assessments. All affected property owners have a right to appear at the hearing and to the written objections to the City Commission within 30 days of the date of the hearing. Any person who fails to appear at the hearing and to the written objections to the City Commission within the 30-day period shall be deemed to have waived the right to be heard and to object to the proposed assessments. Any person who fails to appear at the hearing and to the written objections to the City Commission within the 30-day period shall be deemed to have waived the right to be heard and to object to the proposed assessments. Any person who fails to appear at the hearing and to the written objections to the City Commission within the 30-day period shall be deemed to have waived the right to be heard and to object to the proposed assessments.

The Stormwater Service Assessments are assessed on the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan.

The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan.

The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan.

The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan.

The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan. The City's 2017 Stormwater Management Plan is based upon the estimated amount of stormwater runoff generated by the City's 2017 Stormwater Management Plan.

STATE OF FLORIDA COUNTY OF MONROE

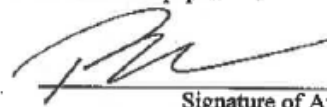
Personalized authority personally appeared Paul Clarin, who on he is Publisher of the Key West Citizen, a daily newspaper Key West, in Monroe County, Florida; that the attached copy of being a legal notice in the matter of

Notice of Hearing to Re-Impose
on of Stormwater Service Assessments

in said newspaper in the issue(s) of

Aug 9, 2017

It says that the Key West Citizen is a newspaper published in said Monroe County, Florida and that the said newspaper has continuously published in said Monroe County, Florida every entered as second-class mail matter at the post office in Key Monroe County, Florida, for a period of 1 year next preceding tion of the attached copy of advertisement; and affiant further neither paid nor promised any person, firm or corporation any , commission or refund for the purpose of securing this r publication in the said newspaper.



Signature of Affiant

Subscribed before me this 9 day of August, 2017



Dawn Kawzinsky

Dawn Kawzinsky
Expires: 1/4/2020

Notary Seal

Personally Known x Produced Identification _____
Type of Identification Produced _____

APPENDIX B
AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared James K. Scholl and Tammy Peters, who, after being duly sworn, depose and say:

1. James K. Scholl, as City Manager for the City of Key West, Florida (the "City"), pursuant to that certain Notice to Proceed involving Government Services Group, Inc. ("GSG") and the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Ordinance No. 13-10, the Stormwater Assessment Ordinance adopted by the City Commission on June 18, 2013 (the "Assessment Ordinance") and in conformance with Resolution No. 13-197, the Stormwater Management Services Initial Assessment Resolution adopted by the City Commission on August 6, 2013 and Resolution No. 13-228, the Final Assessment Resolution adopted by City Commission on September 5, 2013 (collectively, the "Assessment Resolutions").

2. Tammy Peters is Office Manager for GSG. GSG has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Assessment Resolutions. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the

assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 16, 2017, GSG caused the mailing of the above-referenced notices, in accordance with the Assessment Ordinance and the Assessment Resolutions by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Monroe County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANTS SAYETH NOT.

James K. Scholl, affiant

Tammy Peters, affiant

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of August, 2017 by James K. Scholl, City Manager, Key West, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____

Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of August, 2017 by Tammy Peters, Office Manager, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX C

CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLLS

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLLS**

I HEREBY CERTIFY that, I am the Mayor of the City of Key West, or authorized agent of the City of Key West, Florida (the "City"); as such I have satisfied myself that all property included or includable on the Key West Stormwater Non-Ad Valorem Assessment Roll for the aforesaid city is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Monroe County Tax Collector by September 15, 2017.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Monroe County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this the ____ day of _____, 2017.

City of Key West, Florida

By: _____
Mayor