

RESOLUTION NO. 20-08-74

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION AND TREATMENT FACILITIES FOR PHASE II OF THE WASTEWATER ASSESSMENT AREA WITHIN THE VILLAGE BUT EXCLUDING THE NORTH PLANTATION KEY, NORTH PLANTATION KEY SUPPLEMENTAL AND WOODS CORNER ASSESSMENT AREAS; REIMPOSING SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 23, 2005, the Village Council ("Council") of Islamorada, Village of Islands, Florida (the "Village"), enacted Ordinance No. 05-16, as codified in Article III of Chapter 48, of the Village Code of Ordinances (the "Ordinance"), to provide for the creation of assessment areas and authorize the imposition of special assessments to fund the construction of local wastewater improvements to serve the property located therein; and

WHEREAS, on June 13, 2013, the Council adopted Resolution No. 13-06-32, the Initial Assessment Resolution, thereby proposing creation of the Assessment Area and describing the method of assessing the cost of Wastewater Collection and Treatment Facilities for Phase II against the real property specially benefited thereby; and

WHEREAS, on July 25, 2013, the Council adopted Resolution No. 13-07-42, the Final Assessment Resolution, thereby creating the Assessment Area, confirming the method of assessing the cost of Wastewater Collection and Treatment Facilities for Phase II against the real property specially benefited thereby and approving the Assessment Roll; and

WHEREAS, pursuant to the provisions of the Ordinance, the Village is required to adopt an Annual Assessment Resolution for each fiscal year to approve the assessment rolls for such fiscal year; and

WHEREAS, the updated Assessment Roll has been filed with the office of the Village Manager, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed, if required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; the proof of publication being attached hereto as Appendix A and affidavit of mailing being attached hereto as Appendix B; and

WHEREAS, on August 20, 2020, a noticed public hearing was held, and comments and objections of all interested persons have been heard and considered as required by the Ordinance; and

WHEREAS, the Council desires to reimpose the annual wastewater assessment program within the Village, using the tax bill collection method for the Fiscal Year beginning on October 1, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2. **Authority.** This Resolution is adopted pursuant to the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution (Resolution No. 13-07-42), Chapter 48, Article III of the Village Code, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 3. Definitions. This Resolution is the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution.

Section 4. Annual Assessments to Fund Wastewater Treatment and Collection

Facilities for Phase II.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by construction of the Wastewater Collection and Treatment Facilities for Phase II in the amount of the maximum annual Phase II Assessment set forth in the Assessment Roll. The methodology for computing annual Assessments described in the Initial Assessment Resolution, and as confirmed by the Final Assessment Resolution, is hereby approved.

(B) Annual Phase II Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of either (i) \$256.00 per EDU for properties with one (1) to ten (10) EDUs, or (ii) \$2,560.00 per Real Estate Parcel plus \$74.00 per EDU for properties greater than ten (10) EDUs for a period not to exceed twenty-five (25) years, commencing in November 2013.

Section 5. Approval of Assessment Roll.

(A) The updated Assessment Roll, which is currently on file with the Village Manager and incorporated herein by reference, is hereby approved.

(B) Pursuant to the Ordinance and the Uniform Assessment Collection Act, the Assessment Roll shall be certified to the Monroe County Tax Collector prior to September 15, 2020.

Section 6. Assessment Liens.

(A) The Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other 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 shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) As to any Tax Parcel that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other 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 shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Assessment Resolution.

Section 7. Collection of Assessments.

(A) The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the Village Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, 2020, in the manner prescribed by the Uniform Assessment Collection Act.

(B) The Assessment Roll, 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 8. Severability. If any clause, section, or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or application of this Resolution.

Section 9. Effective date. This Resolution shall take effect immediately upon its adoption.

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Motion to adopt by Councilwoman Deb Gillis, seconded by Vice Mayor Ken Davis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilman Jim Mooney	YES
Councilwoman Deb Gillis	YES
Councilman Chris Sante	YES

PASSED AND ADOPTED ON THIS 20th DAY OF AUGUST 2020.



MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

APPENDIX A
PROOF OF PUBLICATION



THE CITIZEN

KEY WEST

The Florida Keys Only Daily Newspaper Est. 1876

PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legal@keysnews.com

ISLAMORADA VILLAGE OF ISLANDS
86800 OVERSEAS HWY
ISLAMORADA FL 33036-3162

Account: 137900

Ticket: 350500

PUBLISHER'S AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared

Misty Graves, who on oath says that he or she is
an employee of the Key West Citizen, a daily news-
paper published in Key West, in Monroe County, Florida; that the attached copy
of advertisement, being a legal notice in the matter of RSAS was published in said
newspaper in the issues of:

Sunday, July 26, 2020 ✓

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

affirmed and subscribed before me this 31st day of July 2020

Notary Public Printed Name

My commission expires 6-23-22

Previously Known Predicted Identification

Type of Identification Produced _____



Sue Lynn Stampfer
COMMISSION # 66232802
EXPIRES: June 27, 2022
Bonded Thru Aaron Notary

">>3,500 plus >1/4 per EDU for properties greater than 10 EDUs.

Copies of the Assessment Ordinance (Ordinance No. 05-16), the Initial Assessment Resolution (Resolution No. 13-06-32), the Initial Assessment Resolution (Resolution No. 11-06-38), the Final Assessment Resolution (Resolution No. 13-07-42), the Final Assessment Resolution (Resolution No. 11-07-47), the Annual Rate Resolutions initiating the annual process of updating the Assessment Rolls, and reimposing the Assessments and the updated Assessment Rolls for the upcoming fiscal year are available for inspection at the Village Clerk's office, located at 86800 Overseas Highway, Islamorada, Florida.

seas Highway, Islamorada, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Village Council intends to collect the assessments in not to exceed twenty-five (25) annual assessments, the first of which was included on the November 2011 and the November 2013 ad valorem tax bills respectively. The total annual assessment revenue to be collected within the Village of Islamorada for the Phase 1 (RSA 1) Assessment Area, for the upcoming fiscal year is estimated to be \$1,240,000. The total annual assessment revenue to be collected within the Village of Islamorada for the Phase 2 (RSA 2) Assessment Area, for the upcoming fiscal year is estimated to be \$1,334,000. Future annual assessments may be prepaid at the option of the property owner.

If you have any questions, please contact the Village at (305) 664-6446, Monday through Friday between 8:00 a.m. and 5:00 p.m.

**VILLAGE COUNCIL OF ISLAMORADA
VILLAGE OF ISLANDS, FLORIDA**

to be made.

For the Phase 1 (RSA 1) Assessment Area, the assessment for each parcel of property is based on the number of equivalent dwelling units attributable to such parcel. Unless prepaid, the annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment for Fiscal Year 2020-21 and future fiscal years is estimated to be \$256 per EDU for properties with 1-10 EDUs and \$2,560 plus \$74 per EDU for properties greater than 10 EDUs.

For the Phase 2 (RSA 2) Assessment Area, the assessment for each parcel of property is based on the number of equivalent dwelling units attributable to such parcel. Unless prepaid, the annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment for Fiscal Year 2020-21 and future fiscal years is estimated to be \$256 per EDU for properties with 1-10 EDUs and

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Maria Bassett and Tammy Peters, who, after being duly sworn, depose and say:

1. Maria Bassett, as Village Finance Director/Deputy Manager of Islamorada, Village of Islands, Florida, (the "Village") pursuant to the authority and direction received from the Village Council of Islamorada, Village of Islands, Florida, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.04, 2.05, and 2.06 of the Capital Project and Related Service Assessment Ordinance adopted by the Village Council on August 23, 2005 (the "Ordinance") and in conformance with the Wastewater Collection and Treatment Facilities Initial Assessment Resolution adopted by the Village Council on June 13, 2013 (the "Initial Assessment Resolution"). The Initial Assessment Resolution directed and authorized notice by First Class Mail to all affected property owners.

2. Tammy Peters is Office Manager for GSG. GSG has caused the notices required by Section 2.06 of the Ordinance to be prepared in conformance with the Initial Assessment Resolution. 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 Village 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 July 29, 2020, GSG caused the mailing of the above-referenced notices in accordance with Section 2.06 of the Ordinance and the Initial Assessment Resolution 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.

Maria Bassett

Maria Bassett, affiant

Tammy Peters

Tammy Peters, affiant

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of physical presence or online notarization, this 10th day of August, 2020 by Maria Bassett, Village Finance Director/Deputy Manager, Islamorada, Village of Islands, Florida. She is personally known to me or has produced _____ as identification and did take an oath.

Debra L. Guenther

Printed Name:

Notary Public, State of Florida

At Large

My Commission Expires:

Commission No.:

DEBRA L. GUENTHER

Commission # GG 133522

Expires December 10, 2021

Bonded thru Budget Notary Services



STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of physical presence or online notarization, this 10th day of August, 2020 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.

Sandra N. Walker

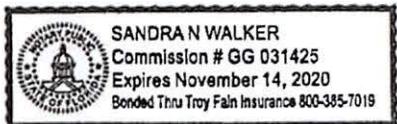
Printed Name:

Notary Public, State of Florida

At Large

My Commission Expires:

Commission No.:



ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
WASTEWATER UTILITY DEPARTMENT
86800 Overseas Highway
Islamorada, Florida 33036

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR
COLLECTION OF PHASE II WASTEWATER NON-AD
VALOREM ASSESSMENTS

NOTICE DATE: JULY 29, 2020

ISLAMORADA LEISURE PROPERTIES INC
80401 OLD HWY
ISLAMORADA FL 33036

Alternate Key #: 9104122

***** NOTICE TO PROPERTY OWNER *****

Dear Property Owner:

An assessment area was created in 2013 to provide wastewater collection and treatment service to your property through the Islamorada, Village of Islands, Wastewater Utility Department. Wastewater collection and treatment facilities are being constructed to provide these services. The costs of these facilities are being partially funded by the Phase II special assessment levied in 2013 and payable over 25 years. The assessment for each parcel of property was based on the number of EDUs contained on each property. Each single family residential dwelling unit was assigned one equivalent dwelling unit (EDU); other types of properties were assigned EDUs based upon their expected wastewater production as compared to a single family residential dwelling unit and pursuant to guidance in the Florida Administrative Code.

The Village has agreed to allow you to opt-in to the assessment program for Phase II for the remaining term of 18 years. Therefore, this notice is to inform you that your property will be added to the assessment program beginning in Fiscal Year 2020-21.

A more specific description of the assessment program is set forth in the Phase II Initial Assessment Resolution which is available for your review at the offices of the Village Clerk, located in the Village Administrative Center and Public Safety Headquarters, 86800 Overseas Highway, Islamorada, Florida. Information regarding the assessment for your specific property, including the number of assigned EDUs, is provided on the back of this letter.

The Village has secured a long-term loan to finance this assessment project which amortizes the cost attributable to your property over a period of not to exceed twenty-five (25) years. Because your property is being added for Fiscal Year 2020-21, your annual assessment includes your share of principal, interest, collection costs and funds needed to meet debt service coverage requirements over a 18 year term. The original maximum annual assessment was \$256.00 per EDU for properties with one (1) to ten (10) EDUs, or \$2,560.00 per Real Estate Parcel plus \$74.00 per EDU for properties greater than ten (10) EDUs for the original 25 years of the loan. Because of the shortened term, your annual assessment amount is provided on the back of this letter.

The total annual assessment revenue to be collected within the Village for Fiscal Year 2020-21 is estimated to be \$1,302,000. The Village intends to include annual non-ad valorem assessment payments due on your ad valorem tax bill from the Monroe County Tax Collector. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Village Council will hold a public hearing at 5:30 p.m. on August 20, 2020, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida, for the purpose of adopting the annual assessment resolution for the Phase II assessments. You are invited to attend and participate in the hearing. You may also file written objections with the Village Council within twenty (20) days of the date of this notice. If you decide to appeal any decision made by the Village Council with respect to any matter considered at the hearing, you 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, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the Village Clerk at (305) 664 6412 at least seven days prior to the date of the hearing.

Questions regarding your assessment and the process for collection may be directed to the Wastewater Utility Department at (305) 664-6455.

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

***** SEND NO MONEY NOW. THIS IS NOT AN INVOICE *****

PHASE II WASTEWATER ASSESSMENT PROGRAM

Alternate Key #: 9104122

Total number of EDUs assigned to property:	22.0
Number of annual payments:	18 years
Maximum annual payment amount Phase II:	\$6,225.77
Expected date of first bill:	November 2020
Total amount of annual payments Phase II collected on the tax bill (includes principal, interest, collection costs and additional permanent financing costs):	\$112,063.86
Expected date of last bill:	November 2037

* * * * * SEND NO MONEY NOW. THIS IS NOT AN INVOICE * * * * *

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

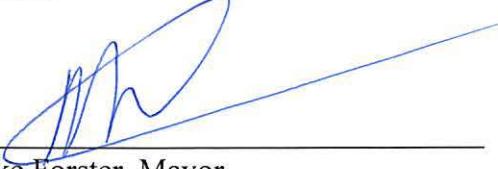
**CERTIFICATE
OF
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the Village Council of Islamorada, Village of Islands, Florida (the "Village"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for wastewater collection and treatment facilities (the "Non-Ad Valorem Assessment Roll") for the Village 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 to 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, 2020.

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 21st day of August, 2020.

**ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA**

By: 
Mike Forster, Mayor

[to be delivered to the Monroe County Tax Collector prior to September 15, 2020]