

RESOLUTION NO. 21-08-74

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; REIMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN ISLAMORADA, VILLAGE OF ISLANDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE STORMWATER ASSESSMENT ROLL FOR THE STORMWATER SERVICE ASSESSMENTS; PROVIDING FOR COLLECTION OF THE STORMWATER SERVICE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Council of Islamorada, Village of Islands, Florida (the "Village"), has enacted Ordinance No. 05-15, the Stormwater Assessment Ordinance (the "Ordinance") relating to Stormwater Management, which authorizes the imposition of Stormwater Service Assessments against real property specially benefited by the Village'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 Village's Stormwater Management Service among parcels of property that are specially benefited thereby; and

WHEREAS, on August 9, 2007, the Village Council adopted Resolution No. 07-08-43, the Amended and Restated Initial Assessment Resolution for Stormwater Management Services (the "Initial Assessment Resolution"), and on September 6, 2007, the Village Council adopted Resolution No. 07-09-52 (the "Amended and Restated Final Assessment Resolution"), which identified the area within which the Village provides Stormwater Management Services and identified those properties to be specially benefited by the Village's Stormwater Management Services (the "Stormwater Service Area") and described the method of assessing the cost of the

Village's Stormwater Management Services (the "Stormwater Service Cost") against Developed Property located within the Stormwater Service Area; and

WHEREAS, pursuant to the provisions of the Section 3.09 of the Ordinance, the Village is required to adopt an Annual Rate Resolution for each fiscal year to approve the Stormwater Assessment Roll for such fiscal year; and

WHEREAS, this Resolution shall serve as the Annual Rate Resolution for the Fiscal Year 2021-2022; and

WHEREAS, the Stormwater Assessment Roll has heretofore been filed with the office of the Village Manager, as provided for in Section 3.05 of the Ordinance; and

WHEREAS, as required by the terms of the Ordinance, 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, on August 19, 2021, a public hearing was duly held and comments and objections of all interested persons have been heard and considered as required by the Ordinance.

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

Section 1. **Authority.** This Resolution is adopted pursuant to the provisions of the Ordinance, the Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2. Definitions. This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance for the imposition of Stormwater Service Assessments. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution and the Amended and Restated Final Assessment Resolution.

Section 3. Approval of Stormwater Assessment Roll. The Stormwater Assessment Roll, which is currently on file in the office of the Village 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 Village's provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. 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 properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(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, 2021, the Stormwater Service Cost of \$203,300.00 shall be allocated among all parcels of Assessed Property, based upon each parcel's

number of Net ESUs (Equivalent Stormwater Units). An annual rate of assessment equal to \$32.00 per Net ESU is hereby imposed for each Tax Parcel of Developed Property. 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 approved herein, are hereby levied and imposed on all parcels of Assessed Property described in such Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2021.

(E) As authorized in Section 3.09 of the Ordinance, a maximum assessment rate of \$62.00 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.

(F) 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 Village Council 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.

Section 5. Collection of Stormwater Service Assessments. The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act, as provided

for in Section 4.01 of the Ordinance. The Village 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, 2021, in the manner prescribed by Section 197.3632, Florida Statutes. The Stormwater Assessment 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 twenty (20) days from the date of this Annual Rate Resolution.

Section 7. 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 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

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Motion to adopt by Councilman David Webb, seconded by Councilman Mark Gregg.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	ABSENT
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED ON THIS 19th DAY OF AUGUST 2021.



PETER BACHELER, VICE 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
legals@keysnews.com

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

Account: 421294

Ticket: 3805821

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared

MICHAEL LEWIS, who on oath says that he or she is

AN EMPLOYEE of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of STORMWATER was published in said newspaper in the issues of:

Wednesday, July 28, 2021

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers 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 2nd day of August 2021

(Notary Public Signature)

(Notary Public Printed Name)

(Notary Seal)

My commission expires 6/27/22

Personally Known X Produced Identification

Type of Identification Produced

ISLAMORADA, VILLAGE OF ISLANDS
FLORIDA
FROM MILE MARKER 90.8 ON NORTH
TO MILE MARKER 72.5 ON SOUTH



NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF
NON-AD VALOREM ASSESSMENTS FOR
STORMWATER SERVICE

Notice is hereby given that the Village Council of Islamorada, Village of Islands, Florida, will conduct a public hearing to consider reimposing Stormwater Service Assessments in the area receiving Stormwater Management Service from the Village, as shown above, and to authorize collection of such assessments on the tax bill. The hearing will be held at 5:30 p.m. or as soon thereafter as possible on August 19, 2021, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305) 664 6412 at least seven (7) days prior to the date of the hearing. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council. All written objections to the non ad valorem assessments must be filed with the Village Council within twenty (20) days of this notice. Any person wishing to appeal any decision of the Village Council with respect to any matter considered will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made.

The Stormwater Service Assessments are proposed to fund the Village's cost to provide Stormwater Management Service in the area shown above. The Stormwater Service Assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, patios, driveways, parking lots and similar areas. The Village has determined that the average single-family residence in the Stormwater Service Area includes 3,322 square feet of impervious surface, which is defined as the "equivalent stormwater unit value" or "ESU Value." The annual Stormwater Service Assessment rate for the Fiscal Year 2021-22 and for future fiscal years will be \$32.00 for each Net ESU. The maximum annual Stormwater Service Assessment rate for Fiscal Year 2021-22 and for future fiscal years will be \$62.00 for each Net ESU. The total annual assessment revenue to be collected within the Village of Islamorada for

the upcoming Fiscal Year is estimated to be \$208,000.

Generally, the number of ESUs was calculated individually for each parcel of property by dividing the impervious surface area by 3,322 square feet. Credit for privately maintained Stormwater management facilities and other factors affecting the quantity or quality of Stormwater runoff has also been applied, resulting in an assignment of Net ESUs. A more specific description is set forth in the amended and restated Initial Assessment Resolution adopted by the Village Council on August 9, 2007. Copies of the amended and restated Initial Assessment Resolution, the amended and restated Final Assessment Resolution, and the updated assessment roll are available for inspection at the Office of the Village Clerk located at 86800 Overseas Highway, Islamorada, Florida.

The Stormwater Service Assessments will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by Section 197.3632, Florida Statutes. Failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to your property.

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
07/28/21 Key West Citizen



Sue Lynn Stamper
COMMISSION # GG232802
EXPIRES: June 27, 2022
Bonded Thru Aaron Notary

APPENDIX B

NOTICE MAILED TO PROPERTY OWNERS

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 that certain Notice to Proceed involving Government Services Group, Inc. ("GSG") and the authority and direction received from the Village Council, timely directed the preparation of the Stormwater Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Stormwater Assessment Ordinance adopted by the Village Council on August 23, 2005 (the "Assessment Ordinance") and in conformance with the Amended and Restated Initial Assessment Resolution adopted by the Village Council on August 9, 2007 (the "Initial Assessment Resolution").

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 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, 2021, GSG caused the mailing of the above-referenced notices in accordance with the Ordinance and the Initial Assessment Resolution, as amended, 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 J 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 12th day of August, 2021 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.

Stephanie Conde
Printed Name: Stephanie Conde
Notary Public, State of Florida
At Large
My Commission Expires: 11/27/21
Commission No.: GC163437

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 12th day of August, 2021 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.



Loretta L. Latson
Printed Name: Loretta L. Latson
Notary Public, State of Florida
At Large
My Commission Expires: 09/24/2024
Commission No.: HH 036655

Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF STORMWATER
SERVICES NON-AD VALOREM ASSESSMENTS

NOTICE DATE: JULY 29, 2021

NATIVE RENTAL PROPERTIES LLC
154 FONTAINE DR
TAVERNIER FL 33070

Sequence #: Storm-05
Alternate Key #: 1530913

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

Dear Property Owner:

The past decade has brought increasing recognition of environmental and other problems associated with stormwater runoff from developed property, including degradation of our surface waters and standing water on our streets and other property. Islamorada, Village of Islands (the "Village") has actively pursued solutions to these problems by developing a comprehensive Stormwater Utility. In addition, the Village's Comprehensive Plan and recent federal regulations mandate improvements to the Village's stormwater management infrastructure. This will require additional expenditures both for capital facilities (land and structures) and operation and maintenance (for example, cleaning and correcting erosion problems in ditches and culverts).

As a result, the Village Council enacted an ordinance to create a Stormwater Utility and provide a dedicated funding source for stormwater management. The Village Council has also adopted an amended and restated Initial Assessment Resolution, which identifies the area receiving stormwater management services from the Village and specifically describes the method of determining the stormwater service assessment for each parcel of property. It is estimated that the Village will collect \$208,000 from the Stormwater Service Assessments for Fiscal Year 2021-22. The area receiving stormwater management services from the Village includes your property.

The Stormwater Service Assessments are based upon the estimated amount of stormwater runoff generated by impervious surface on the property. Impervious surfaces include the roof top, patios, driveways, parking lots and similar areas. The Village has determined that the average single-family residence in the Stormwater Service Area includes 3,322 square feet of impervious surface, which is the value of one "equivalent stormwater unit" or "ESU Value." Generally, the number of ESUs has been calculated individually for each parcel of property by dividing the impervious surface area by 3,322 square feet. Credit for privately maintained stormwater management facilities and other factors affecting the quantity or quality of stormwater runoff has also been applied, resulting in an assignment of Net ESUs. The number of Net ESUs assigned to your property is provided below.

The above parcel is subject to the stormwater assessment.

The following is a summary of the non-ad valorem special assessments being imposed on the above parcel for the fiscal year beginning October 1, 2021.

The total number of Net ESUs on the above parcel is 1.00.

The annual stormwater assessment for the above parcel is \$32.00 for the fiscal year commencing October 1, 2021.

The maximum annual stormwater service assessment for the above parcel is \$62.00 for the Village's fiscal year commencing October 1, 2021, and each fiscal year thereafter.

The Village Council will hold a public hearing at 5:30 p.m. on August 19, 2021, at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida, to receive comments on the proposed Stormwater Service Assessments, including their collection on the ad valorem tax bill. 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.

Copies of the legal documentation for the assessment program are available for inspection at the Village Clerk's office, located at 86800 Overseas Highway, Islamorada, Florida.

Because the Stormwater Service Assessment will be collected by the Tax Collector of Monroe County, pursuant to Chapter 197, Florida Statutes, failure to pay the Stormwater Service Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to your property.

If you have any questions regarding the number of Net ESUs assigned to your property or the amount of the Stormwater Service Assessment, please contact the Village at (305) 664-6446, Monday through Friday between 8:00 a.m. and 5:00 p.m.

***** THIS IS NOT A BILL *****

APPENDIX C

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

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

I HEREBY CERTIFY that, I am the Vice 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 stormwater management services (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, 2021.

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 23 day of August, 2021.

**ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA**

By: 
Peter Bacheler, Vice Mayor

[to be delivered to the Monroe County Tax Collector prior to September 15, 2021]