

RESOLUTION NO. 18-09-79

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES FOR THE WASTEWATER ASSESSMENT AREA WITHIN THE VILLAGE EXCLUDING THE NORTH PLANTATION KEY, WOODS CORNER, AND NORTH PLANTATION KEY SUPPLEMENTAL ASSESSMENT AREAS; REIMPOSING SPECIAL ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, pursuant to the provisions of the Ordinance, the Village is required to adopt an Annual Assessment Resolution each Fiscal Year to approve the assessment roll for such Fiscal Year; and

WHEREAS, the 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, a public hearing was held on September 6, 2018 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

Section 1. **Authority.** This Resolution is adopted pursuant to Ordinance No. 05-16 (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 11-06-38) and Supplemental Initial Assessment Resolution (Resolution No. 11-07-48) (together hereinafter referred to as the "Initial Assessment Resolution"), the Final Assessment Resolution (Resolution No. 11-07-47) and Supplemental Final Assessment Resolution (Resolution No. 11-08-58) (together hereinafter referred to as 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 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 3. **Annual Assessments.**

(A) The Real Estate Parcels described in the updated Assessment Roll are hereby found to be specially benefited by construction of the Wastewater Collection and Treatment Facilities in the amount of the maximum annual Assessment set forth in the Assessment Roll.

(B) Annual Assessments computed in the manner described in the Initial Assessment Resolution, as amended, 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 2011.

Section 4. Approval of Assessment Roll. The updated Assessment Roll, which is currently on file with the Village Manager and incorporated herein by reference, is hereby approved.

Section 5. 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 Real Estate 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 this Annual Assessment Resolution.

Section 6. Collection of Assessments. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Annual Assessment Resolution, the Village Manager shall cause the certification and delivery of the Assessment Roll to the Tax

Collector by September 15, 2018 in the manner prescribed by the Uniform Assessment Collection Act. 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 B.

Section 7. **Effect of Annual Rate Resolution.** The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments will be computed, the Assessment Roll, the maximum annual Assessment, the levy and lien of the Assessments and the terms for prepayment of the Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days of the date of adoption date of this Final Assessment Resolution.

Section 8. **Effective Date.** This resolution shall take effect immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Motion to adopt by Vice Mayor Deb Gillis, seconded by Councilman Jim Mooney,

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS


Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED ON THIS 6TH DAY OF SEPTEMBER, 2018.



CHRIS SANTE, 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: 137900

Ticket: 249070

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 SERVICE AREA PHASE
 was published in said newspaper in the issues of:

Wednesday, August 15, 2018 ✓



**NOTICE OF HEARING TO REIMPOSE
 AND PROVIDE FOR COLLECTION
 OF SPECIAL ASSESSMENTS FOR
 WASTEWATER COLLECTION AND
 TREATMENT FACILITIES FOR REMAIN-
 ING SERVICE AREA PHASE 1 (RSA1)
 AND PHASE 2 (RSA 2)**

Notice is hereby given that the Vil-
 lage Council of Islamorada, Village of
 Islands, Florida, will conduct a public
 hearing to consider reimposing special
 assessments against certain parcels
 of property located therein. The hear-
 ing will be held at 5:30 p.m., or as soon
 thereafter as the matter can be heard,
 on September 6, 2018 at Founders Park
 Community Center, 87000 Overseas
 Highway, Islamorada, Florida for the
 purpose of receiving public comment
 on the assessments. In accordance with
 the Americans with Disabilities Act, if
 you are a person with a disability who
 needs any accommodation in order to
 participate in this proceeding, you are
 entitled, at no cost to you, to the pro-
 vision of certain assistance. Please
 contact the Village Clerk at (305) 664-
 6412 at least seven (7) days prior to
 the public hearing. All affected prop-
 erty owners have a right to appear at
 the hearing and to file written objec-
 tions with the Village within 20 days of
 this notice. If a person wishes to ap-
 peal any decision made by the Village
 Council with respect to any matter con-
 sidered at the hearing, such person will
 need a record of the proceedings and
 may need to ensure that a verbatim re-
 cord is made, including the testimony
 and evidence upon which the appeal is
 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 an-
 nual assessment will include your share
 of the principal, interest and collection
 cost. The maximum annual assessment
 for Fiscal Year 2018-19 and future fis-
 cal 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 an-
 nual assessment will include your share
 of the principal, interest and collection
 cost. The maximum annual assessment
 for Fiscal Year 2018-19 and future fis-
 cal 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.

Property owners within the North
 Plantation Key, Woods Corner, and the
 North Plantation Key Supplemental As-
 sessment Areas are not included in this
 Wastewater Assessment Area.

Copies of the Assessment Ordina-
 nce (Ordinance No. 05-16), the Initial
 Assessment Resolution (Resolution No.
 13-06-32), the Initial Assessment Reso-
 lution (Resolution No. 11-06-38), the Fi-
 nal 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 As-
 sessment Rolls and reimposing the As-
 sessments and the updated Assessment
 Rolls for the upcoming fiscal year are
 available for inspection at the Village
 Clerk's office, located at 86800 Over-
 seas Highway, Islamorada, Florida.

The assessments will be collected
 on the ad valorem tax bill, as autho-
 rized by Section 197.3632, Florida Sta-
 tutes. 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 in-
 cluded on the November 2011 and the
 November 2013 ad valorem tax bills
 respectively. The total annual assess-
 ment revenue to be collected within
 the Village of Islamorada for the Phase
 1 (RSA 1) Assessment Area, for the up-
 coming fiscal year is estimated to be
 \$1,240,000. The total annual assess-
 ment revenue to be collected within
 the Village of Islamorada for the Phase
 2 (RSA 2) Assessment Area, for the up-
 coming 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
 08/15/18 Key West Citizen

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 hereto-
 fore 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 publica-
 tion in the said newspaper.

(Signature of Affiant)

Affirmed and subscribed before me this 15th day of August 2018

(Notary Public Signature)

(Notary Public Printed Name)

My commission expires 6/27/22

Personally Known X Produced Identification

Type of Identification Produced



Suehyn Stamper
 COMMISSION # GG232802
 EXPIRES: June 27, 2022
 Bonded thru Aaron Notary

APPENDIX B

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

**CERTIFICATE
TO
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's Remaining Service Area Phase I (RSA-I) 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, 2018.

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 10th day of September, 2018.

**ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA**

By: 
Chris Sante, Mayor

[to be delivered to the Monroe County Tax Collector prior to September 15, 2018]