

RESOLUTION NO. 19-09-76

**A RESOLUTION OF THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
RELATING TO THE GRINDER PUMP LATERAL
CONNECTIONS TO THE VILLAGE'S CENTRAL
WASTEWATER SYSTEM; REIMPOSING NON-AD
VALOREM ASSESSMENTS FOR THE FISCAL YEAR
BEGINNING OCTOBER 1, 2019; APPROVING THE
UPDATED 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, enacted Ordinance No. 05-16, as codified in Article III of Chapter 48, of the Islamorada, Village of Islands, 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 improvements to serve the property located therein; and

WHEREAS, on August 6, 2015, the Council adopted Resolution No. 15-08-73, the Initial Assessment Resolution, as amended, describing the method of assessing the cost of Grinder Pump Lateral Connections against the real property that will be specially benefited thereby; and

WHEREAS, on September 10, 2015, the Council adopted Resolution No. 15-09-93, the Final Assessment Resolution amending the Initial Assessment Resolution, creating the Assessment Area, confirming the method of assessing the cost of Grinder Pump Later Connections 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 heretofore been filed with the office of the Village Manager, as required by the Ordinance.

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

WHEREAS, a public hearing was held on September 4, 2019, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance; and

WHEREAS, the Council desires to reimpose an annual wastewater grinder pump connections assessment program within the Village, using the tax bill collection method for the Fiscal Year beginning on October 1, 2019.

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; the Charter of Islamorada, Village of Islands, Florida, 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.

(A) The Real Estate Parcels described in the updated Assessment Roll are hereby found to be specially benefited by the Grinder Pump Lateral Connections in the amount of the maximum annual Assessment set forth in the Assessment Roll.

(B) The methodology for computing annual Assessments described in the Initial Assessment Resolution, as amended and confirmed by the Final Assessment Resolution, is hereby approved.

(C) Annual Assessments computed in the manner described in the Initial Assessment Resolution, as amended and confirmed in the Final Assessment Resolution, are hereby levied and imposed on all Tax Parcels included in the Assessment Roll at the maximum annual rate specified therein for a period not to exceed five (5) years, commencing in November 2015.

Section 5. 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 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 this 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 Prepayment Amount, as adjusted for any payments received, 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 14, 2019, 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 B.

Section 8. Effect of Adoption of Resolution. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of Council action on this Annual Assessment Resolution.

Section 9. 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 10. Effective Date. This Resolution shall take effect immediately upon its adoption.

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Motion to adopt by Councilman Ken Davis, seconded by Vice Mayor Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES

PASSED AND ADOPTED ON THIS 4th DAY OF SEPTEMBER 2019.



DEB GILLIS, 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

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: 306979

PUBLISHER'S AFFIDAVIT

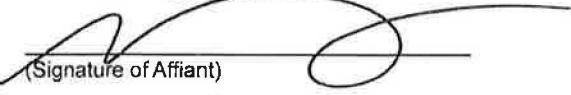
STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared

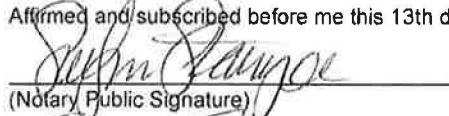
Misty Graves, who on oath says that he or she is
An employee of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of LATERAL LINE CONNECTIONS was published in said newspaper in the issues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

Tuesday, August 13, 2019

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 13th day of August 2019

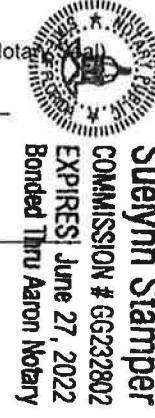

(Notary Public Signature)


(Notary Public Printed Name)

My commission expires 6/27/22

Personally Known Produced Identification

Type of Identification Produced



NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION
OF SPECIAL ASSESSMENTS
FOR LATERAL LINE CONNECTIONS



Notice is hereby given that the Village Council of Islamorada, Village of Islands, Florida, will conduct a public hearing to consider the imposition of special assessments to fund the costs of the lateral line connections against certain parcels of property located within the Assessment Area depicted above. The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on September 4, 2019 at Founders Park Community Center, 87000 Overseas Highway, Islamorada, Florida for the purpose of receiving public comment on the proposed Assessment Area and 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 provision of certain assistance. Please contact the Village at (305) 664-6412, at least seven (7) days prior to the public hearing. All affected property owners have a right to appear at the hearing and to file written objections with the Village within 20 days of this notice. If a person wishes to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person 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.

The assessment for each parcel of property is based on the amount of linear feet of the lateral line attributable to such parcel. The annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment for Fiscal Year 2019-2020 and future fiscal years is estimated to be \$6.05 per linear foot of lateral line.

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.

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 five (5) annual assessments, the first of which was included on the

November 2015 ad valorem tax bill. The total annual assessment revenue to be collected within the Village of Islamorada for the upcoming Fiscal Year is estimated to be \$79,000. 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.

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

08/13/19 Key West Citizen

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 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 13, 2019.

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 9th day of September, 2019.

**ISLAMORADA, VILLAGE OF ISLANDS,
FLORIDA**

By *Deb Gillis*
Deb Gillis, Mayor

[to be delivered to Tax Collector prior to September 14, 2019]

Parcel Count: 66 Total Assessment: \$79,033.97
