

RESOLUTION NO. 02-62-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY FOR THE PROVISION OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND FACILITIES, FIRE PROTECTION SERVICES AND FACILITIES AND SUCH OTHER MUNICIPAL SERVICES AS MAY BE DETERMINED BY THE CITY COUNCIL; STATING A NEED FOR SUCH LEVY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Marathon, Florida (the "City") is contemplating the imposition of special assessments for the provision of certain municipal services and associated facilities; and

WHEREAS, the Council intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing residential solid waste collection and disposal services and facilities, fire protection services and facilities and such other municipal services as the County may determine upon property located within the incorporated area of the City as authorized by Section 197.3632, Florida Statutes;

WHEREAS, this method will allow such special assessments to be collected annually commencing in 2002 and each subsequent year thereafter, in the same manner as provided for the collection of ad valorem taxes; and

WHEREAS, the Council held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing as required by Section 197.3632, Florida Statutes is attached hereto as Exhibit "A."

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.


**Section 2.**     Commencing with the Fiscal Year beginning on **October 1, 2002**, and with the tax statement mailed for each subsequent Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, for collecting non-ad valorem assessments for all or a portion of the cost of providing solid waste collection and disposal services and facilities, fire protection services and facilities, and such other municipal services as may be determined by the City Council. Such non-ad valorem assessments shall be levied within the incorporated area of the City. A legal description of such area subject to the assessment shall be attached hereto as Exhibit "B" and incorporated by reference.

**Section 3.**     The City hereby determines that the levy of the assessments is needed to fund all or a portion of the cost of providing solid waste collection and disposal services and facilities, fire protection services and facilities, and such other municipal services as may be determined by the City Council within the incorporated area of the City.

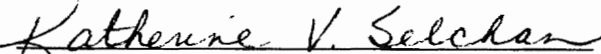
**Section 4.**     Upon adoption, the City Manager is hereby directed to send a copy of this Resolution to the Florida Department of Revenue, the Monroe County Tax Collector, and the Monroe County Property Appraiser by **January 10,2002**.

**Section 5.**     **Effective Date.** This Resolution shall become effective immediately upon its adoption.

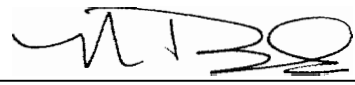
PASSED AND ADOPTED this 18<sup>th</sup> day of December, 2001

  
\_\_\_\_\_  
ROBERT MILLER, MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
CITY ATTORNEY

#3765 - 197 Intent Resolution

Published Daily  
Key West, Monroe County, Florida 33040

**STATE OF FLORIDA  
COUNTY OF MONROE**

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is director of the Advertising Department 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

Uniform Ad Valorem

In the \_\_\_\_\_ Court, was published in said newspaper in the issues of  
November 18, 25, December 2, 9, & 16, 2001

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 each day (except Saturdays) and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceeding the first publication of the attached copy of advertisement; and affiant further says that he 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.

Randy Erickson

Signature of Affiant

Sworn and subscribed before me this 20 day of December, 2001

Jim Thomas

Signature of Notary Public

Expires: July 23, 2004

Notary Seal

Personally Known x Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**NOTICE BY THE CITY COUNCIL OF  
THE CITY OF MARATHON OF ITS INTENT TO  
USE THE UNIFORM AD VALOREM METHOD  
OF COLLECTION OF A NON-AD VALOREM  
ASSESSMENT**

NOTICE IS HEREBY GIVEN to all owners of lands located within the boundaries of the City of Marathon that the City Council of the City of Marathon intends to use the uniform ad valorem method for collecting the non-ad valorem assessments, including but not limited to Solid Waste, Fire Service and such other services as may be determined by the City, levied by the City of Marathon as set forth in Section 197.3632, Florida Statutes, and that the City Council of the City of Marathon will hold a public hearing on **Tuesday, December 18, 2001 at 6:30 P.M.** at the Marathon Government Center, **279B** Overseas Highway, Marathon, Florida.

The purpose of the public hearing is to consider the adoption of a Resolution authorizing the City of Marathon to use the uniform ad valorem method of collecting non-ad valorem assessments, including but not limited to Solid Waste, Fire Service, and such other services as may be determined by the City, levied by the City of Marathon as provided in Section 197.3632, Florida Statutes. The City of Marathon intends to use the uniform method of collection for a period of more than one (1) year which may include its non-ad valorem assessment for operations, maintenance or capital facilities.

The City of Marathon will be adopting a new non-ad valorem assessment for financing of certain projects authorized by Florida Statutes, which will extend for more than one (1) year and further the City of Marathon's plans to utilize the non-ad valorem assessment method to collect its annual operations and maintenance assessment which also will be for a period of more than one (1) year.

This non-ad valorem assessment is being levied for the first time. The uniform method provided for in Chapter 197.3632, Florida Statutes, authorizes the City to utilize the services of the Property Appraiser in the levy and in position of the assessments and the Tax Collector in collection and enforcement of its non-ad valorem assessments, such as the special assessments noted herein which will appear under a separate section of the property tax notice (bill) with County and other property taxes. The City's non-ad valorem assessment(s) shall be subject to the same discounts and penalties and the issuance and sale of tax certificates and tax deeds for non-payment as ad valorem taxes. The non-payment of said non-ad valorem assessments will subject the property to the potential loss of title. Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting non-ad valorem assessments.

Each person who decides to appeal any decision made by the City Council with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Katherine Selchan  
City Clerk  
City of Marathon

November 18, 25; December 2, 9, & 16, 2001 KWC  
November 21, 28; December 5, 12 & 19, 2001 MAR

## **Exhibit "B"**

### **Legal Description City of Marathon**

Pursuant to Charter:

Land description – The corporate boundaries of the City shall be as follows: from the East end of the Seven Mile Bridge (approximately Mile Marker 47) to the West end of the Tom's Harbor Bridge (approximately Mile Marker 60), including, but not limited to, the entire islands of Knight Key; Hog Key; Vaca Key; Stirrup Key; Boot Key; Crawl Key; East Sister's Island; West Sister's Island; Fat Deer Key; Long Point Key; Deer Key; Little Deer Key; Little Crawl Key; Grassy key; the unincorporated areas of Monroe County commonly known as Marathon and Coco Plum; all land filled in between the islands, including all islands connected by U.S. 1, Overseas Highway and roadways connecting thereto; and all adjacent islands not connected by roadways within the boundaries of Monroe County between Mile Marker 47 and Miler Marker 60, specifically excluding all areas within the boundaries of the City of Key Colony Beach, all of the above being within the boundaries of Monroe County, Florida.

02-12-19

September 16,2002

**VIA FACSIMILE AND FEDEX**

Ms. Danise D. Henriquez, C.F.C.  
Monroe County Tax Collector  
P.O. Box 1129  
Key West, Florida 33041-1129

Dear Ms. Henriquez:

Attached is a signed copy of the City of Marathon's Certificate to the Non-ad valorem Assessment Roll for Solid Waste Services.

Should you have any questions, please feel free to contact me.

Sincerely,  
City of Marathon

James DeCocq  
City Manager

cc: Marathon City Council  
City Attorneys  
Craig Wrathell, Finance Director, Marathon  
Katey Selchan, City Clerk, Marathon