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**CITY OF MARATHON, FLORIDA  
RESOLUTION 2005-006**

**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 FOR STORMWATER LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY**

**WHEREAS**, the City of Marathon (the "City") is contemplating the imposition of special assessments for the provision of stormwater treatment services and facilities; and

**WHEREAS**, the City intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing stormwater treatment services and facilities to property within the incorporated area of the City as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2005, in the same manner as provided for ad valorem taxes; and

**WHEREAS**, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

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

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Commencing with the Fiscal Year beginning on October 1, 2005, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing stormwater treatment services and facilities. 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 is 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 the cost of stormwater treatment services and facilities within the incorporated area of the City.

**Section 4.** Upon adoption, the City Clerk is hereby directed to send of copy of this Resolution by United States mail to the Florida Department of Revenue, the Monroe County Tax Collector, and the Monroe County Property Appraiser by March 1, 2005.

**Section 5.** This resolution shall take effect immediately upon its adoption.


**PASSED AND APPROVED** by the City Council of the city of Marathon, Florida, this 7th day of February, 2005

**THE CITY OF MARATHON, FLORIDA**


  
\_\_\_\_\_  
**Jeffrey M. Pinkus, Mayor**

AYES: Bartus, Bull, Mearns, Miller, Pinkus  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Cindy L. Ecklund  
City Clerk  
  
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

  
\_\_\_\_\_  
City Attorney

10100

Exhibit "A"

Mary Beth Canitano  
 Advertising Coordinator

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 Key West FL 33041  
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 Fax.....305-294-0768  
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**FLORIDA KEYS OFFICES**  
**Printing / Main Facility**  
 3420 Northside Drive  
 Key West, FL  
 33040-1800  
 Tel 305-292-7777  
 Fax 305-294-0768  
 citizen@keywest.com

**Internet Division**  
 1201 White Street (Suite 103)  
 Key West, FL  
 33040-3328  
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 Fax 305-294-1699  
 sales@keywest.com

**Middle Keys Office**  
 6363 Overseas Hwy  
 Marathon, FL (MM 52.5)  
 33050-3342  
 Tel 305-743-8766  
 Fax 305-743-9977  
 navigator@floridakeys.com

**Upper Keys Office**  
 81549 Old Hwy  
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 Islamorada, FL (MM81.5)  
 33036-0469  
 Tel 305-664-2266  
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**Ocean Reef Office**  
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 Key Largo, FL 33037  
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 Fax 305-367-2191

STATE OF FLORIDA  
 COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Advertising Operations 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

In the \_\_\_\_\_ Court, was published in said newspaper in the issues of January 8, 15, 22 & 29, 2005

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 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 preceding 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.

*[Handwritten Signature]*

Signature of Affiant

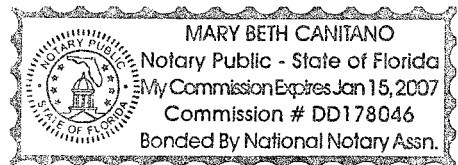
Sworn and subscribed before me this 3 day of February, 2005

*[Handwritten Signature]*

Mary Beth Canitano, Notary Public

Expires: January 15, 2007

Notary Seal



Personally Known x Produced Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_

**NOTICE OF PUBLIC HEARING  
NOTICE OF INTENT TO USE UNIFORM METHOD OF  
COLLECTING NON-AD VALOREM ASSESSMENTS**

The City of Marathon, Florida (the "City") hereby provides public notice of a public hearing, pursuant to section 197.632(3)(a), Florida Statutes, of the intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing stormwater treatment commencing for the Fiscal Year beginning on October 1, 2005. The City will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 6:30 p.m. or as soon thereafter as possible, on February 7, 2005, at Marathon Government Center, 2798 Overseas Highway, Marathon, Florida 33050. Such Resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Office of the City Clerk of Marathon, Florida.

The public hearings will commence at 6:30 p.m. or as soon thereafter as business permits, in the Marathon Government Center, 2798 Overseas Highway, Marathon, FL. All interested persons are invited to attend the meeting and participate in the discussion; or, written comments may be sent to the City of Marathon, c/o City Clerk, 10045-55 Overseas Hwy, Marathon, FL 33050.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Council with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the hearing due to disability should contact the City of Marathon at (305) 289-4101 at least three (3) days prior to the meeting.

DATED this 8th day of January, 2005.

By the Order of: Marathon City Council, Marathon, Florida



**EXHIBIT "B"**

**CITY OF MARATHON, FLORIDA**

**MORE PARTICULARLY DESCRIBED**

**AS**

. 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 Mile 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.