

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-061**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT WITH THE MONROE COUNTY
PROPERTY APPRAISER TO PLACE THE STORM WATER UTILITY
SPECIAL ASSESSMENTS ON THE TAX BILL**

WHEREAS, the City of Marathon, Florida (the "City") is authorized to impose non-ad valorem assessments and by appropriate resolution has expressed its intent to use the uniform method of levy, collection and enforcement as provided in Section 197.3632, Florida Statutes; and

WHEREAS, the City has adopted Resolution No. 2005-006 under which assessments are included on an assessment roll and certified by the City to the Monroe County Tax Collector for merging with the ad valorem tax roll; and

WHEREAS, the City and the Monroe County Property Appraiser ("Appraiser") wish to enter into an agreement intended to conform with the requirements of Section 197.3632, Florida Statutes, to provide for reimbursement of necessary administrative and actual costs incurred as a result of the use of the uniform method of tax collection; and

WHEREAS, the Agreement shall allow for the use of the uniform method of tax collection relative to non-ad valorem assessments imposed and levied by the City starting in 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

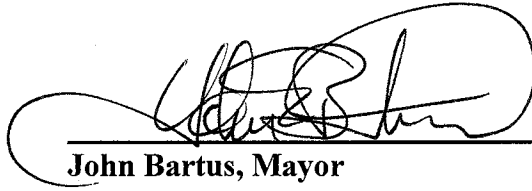
Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. The Agreement between the City of Marathon and the Monroe County Property Appraiser for the reimbursement of necessary administrative and actual costs incurred as a result of the use of the uniform method of tax collection a copy of which is attached as Exhibit "A" together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 10th day of May, 2005.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

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

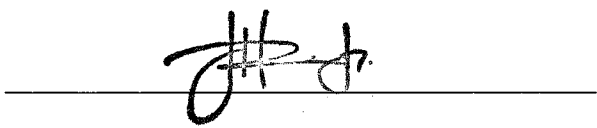
ATTEST:



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:**

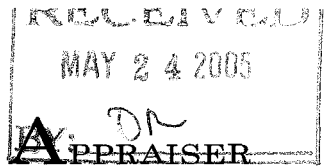


CITY ATTORNEY



MONROE COUNTY PROPERTY APPRAISER

COUNTY COURTHOUSE



P.O. BOX 1176
KEY WEST, FLORIDA 33041
PHONE (305) 292-3420

ERVIN A. HIGGS, C.F.A.-CRA

May 23, 2005

City Of Marathon
ATTN: Libby Frazier
Administrative Assistant
to City Clerk
10045-55 Overseas Hwy.
Marathon, Fl. 33050

Received

MAY 24 2005

City Clerk

RE: Agreement for Non Ad Valorem Special Assessments
For Stormwater

Dear Mrs. Frazier:

Please find enclosed original signed agreement for your records.

Sincerely,

ERVIN A. HIGGS, CFA-CRA
MONROE COUNTY PROPERTY APPRAISER

EAH/sl

**AGREEMENT FOR THE CITY OF MARATHON, FLORIDA,
TO REIMBURSE THE PROPERTY APPRAISER**

This Agreement for the City of Marathon, Florida, to reimburse the Monroe County Property Appraiser (the "Agreement") is made and entered into as of May 20th 2005, 2005, by and between the City of Marathon, Florida (the "City"), and Ervin Higgs, in his capacity as the Monroe County Property Appraiser (the "Property Appraiser").

NOW, THEREFORE, in consideration of the mutual promises, covenants, representations, and agreements contained herein, together with the ten dollars (\$10.00) and other good and valuable consideration exchanged between the parties, the parties to this Agreement do undertake, promise and agree for themselves and their successors as follows:

ARTICLE I

SECTION 1.01 FINDINGS, RECITALS AND ACKNOWLEDGMENTS. It is hereby ascertained, determined and declared by the parties that:

- (A) the City is authorized to impose non-ad valorem assessments and by appropriate resolution has expressed its intent to use the uniform method of levy, collection and enforcement of non-ad valorem assessments as provided in Section 197.3632, Florida Statutes. The City has adopted Resolution No. 2005-006, under which assessments are included on an assessment roll and certified, in a compatible electronic medium tied to the property identification number, by the City to the Monroe County Tax Collector for merging with the ad valorem tax roll, for collection by utilizing the tax notice provisions described in Section 197.3635, Florida Statutes, and for sale of tax certificates and tax deeds under the non-payment provisions of the ad valorem tax laws (the "Uniform Method");
- (B) the Uniform Method, with its enforcement provisions including the use of tax sale certificates and tax deeds to collect delinquent annual payments, is less expensive and more equitable to the delinquent landowner than the traditional lien foreclosure methodology;
- (C) the Uniform Method will provide for more efficient collection by virtue of the assessment being on the tax notice issued by the Monroe County Tax Collector and will produce positive economic benefits to the affected landowners and the City;
- (D) the Uniform Method will promote local government accountability;
- (E) this Agreement is intended to conform with the requirement of Section 197.3632, Florida Statutes, that the City and the Property Appraiser enter into a written agreement providing for reimbursement of necessary administrative and actual costs incurred as a result of the use of the Uniform Method; such administrative and actual costs include, but are not limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage and programming;

- (F) the duties of the Property Appraiser under Section 197.3632, Florida Statutes, are ministerial;
- (G) this Agreement is entered into to allow for the use of the Uniform Method relative to non-ad valorem assessments imposed and levied by the City starting in 2005; and
- (H) the non-ad valorem assessments to which this Agreement applies are being imposed and levied by the City for the provision of stormwater treatment services and facilities; and
- (I) the City may utilize the notice provisions of Section 200.069, Florida Statutes, as amended (the "Truth in Millage Notice") provided that the City timely notifies the Property Appraiser of its intention to do so pursuant to Florida Statutes and agreed upon by the Property Appraiser.

SECTION 1.02. INCORPORATION. The findings, recitals and acknowledgments contained herein are true, correct and incorporated in this Agreement.

ARTICLE II

SECTION 2.01. PURPOSE. The purpose of this Agreement is for the City and the Property Appraiser to establish and agree upon the undertaking of the responsibilities pursuant to Section 197.3632, Florida Statutes, in order for the City Council to implement the Uniform Method for the notice, levy, collection, and enforcement of non-ad valorem assessments; and to provide for reimbursement by the City of the Property Appraiser for all necessary administrative and actual costs incurred by them in such activity.

ARTICLE III

SECTION 3.01. COMPLIANCE WITH LAWS AND REGULATIONS. The parties shall abide by all statutes, rules and regulations pertaining to the levy and collection of non-ad valorem assessments, and any ordinance promulgated by the City, not inconsistent with or contrary to the provisions of Sections 197.3632 and 197.3635, Florida Statutes, as amended, and any applicable rules duly promulgated by the Department of Revenue.

ARTICLE IV

SECTION 4.01. DUTIES AND RESPONSIBILITIES OF THE CITY. The City shall:

- (A) be solely responsible for imposing and levying valid non-ad valorem assessments;
- (B) reimburse the Property Appraiser for all necessary administrative and actual collection costs incurred by the Property Appraiser in providing the information and cooperation more particularly referenced in Section 4.02 hereof;
- (C) make all reimbursement or payment to the Property Appraiser hereunder in accordance with the Florida Prompt Payment Act, Chapter 278, Part VII, Florida Statutes, or its successor in function;

- (D) post the non-ad valorem assessment for each parcel on the non-ad valorem assessment roll on a manner that such non-ad valorem assessment roll is free of errors and omissions;
- (E) cause the Mayor of the City or his or her designee to certify by September 15 of each calendar year to the Monroe County Tax collector the non-ad valorem assessment roll on compatible medium tied to the property parcel identification number in a manner that conforms to the format of the ad valorem tax roll submitted by the Property Appraiser to the Department of Revenue;
- (F) designate and authorize a person other than the Property Appraiser to receive and process any request for changes, modifications or corrections to the subject non-ad valorem roll and, if necessary, file with the Monroe County Tax Collector an appropriate certificate of correction; and
- (G) cooperate with the Property Appraiser to implement the Uniform Method of notice, levy, collection and enforcement of each of the subject non-ad valorem assessment roll, pursuant to and consistent with all provisions of Chapter 197, specifically Sections 197.3632 and 197.3635, Florida Statutes, as amended.

SECTION 4.02. DUTIES AND RESPONSIBILITIES OF THE PROPERTY APPRAISER.

The Property Appraiser shall:

- (A) annually by June 1 provide the City with at least the following information by compatible electronic medium: (1) the legal description of the property within the boundaries described in the City's Resolution of Intent; (2) the names and addresses of the owners of such property; (3) the property identification number of each parcel in a manner that conforms to the format of the ad valorem roll submitted to the Department of Revenue, and (4) any other information reasonably needed by the City to create, re-compute, reconfigure, revise, correct or otherwise formulate the non-ad valorem assessment rolls as may be agreed to by the Property Appraiser;
- (B) although the Property Appraiser is not required by law to submit information other than items (1), (2) and (3) in paragraph (A) of this section, the Property Appraiser shall make reasonable efforts to assist and accommodate the City's creation of a non-ad valorem assessment roll;
- (C) cooperate with the City and the Monroe County Tax Collector to implement the Uniform Method of notice, levy collection and enforcement of each of the subject non-ad valorem assessment rolls, pursuant to and consistent with all provisions of Chapter 197, specifically Sections 197.3632 and 197.3635, Florida Statutes, as amended; and
- (D) provide the City with a written itemized statement of any necessary administrative and actual costs incurred by the Property Appraiser for which reimbursement is sought.

ARTICLE V

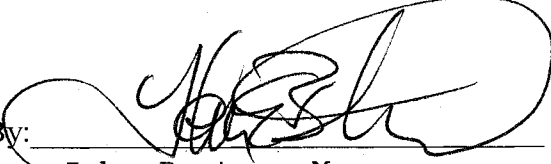
SECTION 5.01. TERM. The term of this Agreement shall commence upon the date first above written and shall run through the final certification of the 2005 tax roll and shall automatically be renewed thereafter for successive periods not to exceed one year each. However, the City shall inform the Property Appraiser and the Department of Revenue by January 10 in any calendar year if the City intends to discontinue using the Uniform Method of collecting the non-ad valorem assessments referred to in this Agreement. Such notice shall terminate this Agreement.

IN WITNESS WHEREOF, the City and the Property Appraiser delivered this Agreement as of the date first above written.

ATTEST:

THE CITY OF MARATHON, FLORIDA

By: 
City Clerk

By: 
John Bartus, Mayor

By: 
City Attorney

WITNESS:

MONROE COUNTY PROPERTY APPRAISER

Jennine Kraules
Sharon Lamberson

By: 