
CITY OF MARATHON, FLORIDA

**WASTEWATER COLLECTION AND TREATMENT FACILITIES
ANNUAL RATE RESOLUTION**

ADOPTED SEPTEMBER 8, 2009

TABLE OF CONTENTS

| | <u>Page</u> |
|-------------|--|
| SECTION 1. | AUTHORITY.....2 |
| SECTION 2. | DEFINITIONS.....2 |
| SECTION 3. | ANNUAL ASSESSMENTS TO FUND WASTEWATER TREATMENT AND COLLECTION FACILITIES.....2 |
| SECTION 4. | APPROVAL OF ASSESSMENT ROLL.....5 |
| SECTION 5. | ASSESSMENT LIENS.....6 |
| SECTION 6. | COLLECTION OF ASSESSMENTS.....6 |
| SECTION 7. | SEVERABILITY.....7 |
| SECTION 8. | EFFECTIVE DATE.....7 |
| APPENDIX A: | PROOF OF PUBLICATION..... A-1 |
| APPENDIX B: | FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL..... B-1 |

RESOLUTION NO. 2009-123

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES IN THE CITY OF MARATHON, FLORIDA; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marathon, Florida (the "City"), has enacted Article IV of Chapter 24 of the Marathon City Code (the "Code"), which authorizes the creation of assessment areas and the imposition of special assessments to fund the construction of local improvements to serve property located therein; and

WHEREAS, on June 24, 2008, the Council adopted Resolution No. 2008-96, the Initial Assessment Resolution, proposing creation of the Assessment Area and describing the method of assessing the cost of Wastewater Collection and Treatment Facilities against the real property specially benefited thereby; and

WHEREAS, pursuant to the provisions of the Code, the City is required to adopt an Annual Assessment Resolution for each fiscal year to approve the assessment rolls for such fiscal year; 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

WHEREAS, a public hearing was held on September 8, 2009, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance; and

WHEREAS, the City has deemed it to be in the best interests of the citizens and residents within the City that the assessment continues to be imposed for the Fiscal Year beginning October 1, 2009.

WHEREAS, the Assessment Roll has heretofore been filed with the office of the City Manager, as required by the Code.

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

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Code, the Initial Assessment Resolution (Resolution No. 2008-96), the Final Assessment Resolution (Resolution No. 2008-107), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code, the Initial Assessment Resolution, and the Final Assessment Resolution.

SECTION 3. ANNUAL ASSESSMENTS TO FUND WASTEWATER TREATMENT AND COLLECTION FACILITIES.

(A) The Tax 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. The methodology for computing annual Assessments described in the Initial Assessment Resolution and the rules for assigning Assessment Units, as restated in paragraphs (B) and (C) below, are hereby approved.

(B) The EDUs for each Real Estate Parcel within the Assessment Area were

determined as follows:

(1) Every Real Estate Parcel, except those Real Estate Parcels classified as Condominium Property that consist of a live aboard boat slip ("Dockominium" property), shall be assigned a minimum of one (1) EDU.

(2) All Dockominium property shall be assigned EDUs based upon the expected wastewater flow from the property and minimum capacity requirements as compared to a single family dwelling unit which shall then be allocated equally among all Real Estate Parcels within the Dockominium property with no minimum EDU assignment.

(3) All Residential Property shall be assigned one (1) EDU per Dwelling Unit.

(4) All Vacant Property shall be assigned one (1) EDU per Real Estate Parcel.

(5) All Residential Condominium Property shall be assigned one (1) EDU per Dwelling Unit.

(6) All Non-Residential Condominium Property shall be assigned EDUs based upon the expected wastewater flow from the property and minimum capacity requirements as compared to a single family dwelling unit which shall then be allocated equally among all Real Estate Parcels within the Non-Residential Condominium Property with a minimum of one (1) EDU assigned to each Real Estate Parcel.

(7) All Recreational Vehicle Park Property and mobile home park property, which consists of those Real Estate Parcels assigned a DOR Code of 2800 (hereinafter "Mobile Home Park Property"), shall be assigned EDUs based

upon the expected wastewater flow from the property and minimum capacity requirements as compared to a single family dwelling unit, which shall then be allocated equally among all Real Estate Parcels within the Recreational Vehicle Park Property and Mobile Home Park Property with a minimum of one (1) EDU assigned to each Real Estate Parcel.

(8) All General Property shall be assigned EDUs based upon the expected wastewater flow from the property and minimum capacity requirements as compared to a single family dwelling unit with a minimum of one (1) EDU assigned to each Real Estate Parcel.

(C) The Connections for each Real Estate Parcel within the Assessment Area were determined as follows:

(1) All Dockominium property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities that is needed to serve the entire condominium complex which shall then be allocated equally among all Real Estate Parcels served by those Connections.

(2) All Residential Property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities needed to serve the property which shall then be allocated equally among all Real Estate Parcels served by those Connections.

(3) All Vacant Property shall be assigned one (1) Connection per Real Estate Parcel.

(4) All Residential Condominium Property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities that is needed to serve the entire condominium complex

which shall then be allocated equally among all Real Estate Parcels served by those Connections.

(5) All Non-Residential Condominium Property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities that is needed to serve the entire condominium complex which shall then be allocated equally among all Real Estate Parcels served by those Connections.

(6) All Recreational Vehicle Park Property and Mobile Home Park Property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities that is needed to serve the entire Recreational Vehicle Park Property and Mobile Home Park Property which shall then be allocated equally among all Real Estate Parcels served by those Connections.

(7) All General Property shall be assigned one (1) Connection for each physical connection made to the City's Wastewater Collection Facilities needed to serve the property.

(D) Annual Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of \$415 per EDU and a maximum annual rate of \$93 per Connection for a period not to exceed 20 years, commencing in November 2008.

SECTION 4. APPROVAL OF ASSESSMENT ROLL. The updated Assessment Roll, which is currently on file with the City 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 Tax 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 the Annual Assessment Resolution.

SECTION 6. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the City Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, 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. 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 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED AND APPROVED THIS 8th day of September, 2009.

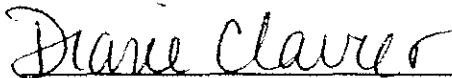
THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

AYES: Snead, Ramsay, Vasil, Worthington, Cinque
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

(City Seal)

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



City Attorney

APPENDIX A
PROOF OF PUBLICATION

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 City Council of Marathon, Florida (the "City"); 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 City 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, 2009.

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 _____ day of _____, 2009.

CITY OF MARATHON, FLORIDA

By: _____
Mayor



[to be delivered to Tax Collector prior to September 15]