

Sponsored by: Hernstadt

**CITY OF MARATHON, FLORIDA  
RESOLUTION NO. 2010-88**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA,  
IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL  
ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING  
FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR  
AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City, of Marathon, Florida (the "City") enacted Article II of Chapter 24 and Article III of Chapter 34 of the Code of Ordinances, City of Marathon, Florida (the "Code"), which establish a Stormwater Utility and authorize the imposition of annual Stormwater Utility Service Assessments for Stormwater Utility services, facilities or programs against certain Assessable Property within the City; and

**WHEREAS**, a Stormwater Utility Service Assessment was initially imposed upon all Property within the City commencing October 1, 2005, which rate was established by Resolution 2005-107 ("Initial Assessment Resolution"); 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 Code, which provides notice to all interested persons of an opportunity to be heard; the proof of publication being attached hereto as Exhibit "A;" and

**WHEREAS**, a public hearing was held on August 24, 2010, and comments and objections of all interested persons have been heard and considered as required by the terms of the Code; 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 2010-2011 fiscal year; and

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

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

**Section 1.** (A) It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less than the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in the Initial Assessment Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Code and the Initial Assessment Resolution from the City's stormwater utility and a legislative determination that the Stormwater Utility Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution.

(B) The method for computing and apportioning the Stormwater Utility Service Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For the 2010-2011 fiscal year in which Stormwater Utility Service Assessments for Stormwater services, facilities and programs are imposed, the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Non Residential, Residential, and Unimproved Property and the number of ERUs for such properties. A rate of assessment equal to one hundred-twenty dollars (\$120.00) for each ERU for Stormwater collection and disposal services is hereby approved.

(D) The Stormwater Utility Service Assessment Rate of one hundred-twenty dollars (\$120.00) per ERU is hereby established to fund the specified Stormwater Cost determined to be assessed in fiscal year 2010-2011. The estimated Stormwater Cost for fiscal year 2010 is one million seventy one thousand and six hundred dollars (\$1,071,600.00).

**Section 2.** This Resolution is adopted pursuant to the Code, Sections 166.021 and 166.041, *Florida Statutes*, and other applicable provisions of law.

**Section 3.** This resolution constitutes the Annual Assessment Resolution as defined in the Code. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Code and Initial Rate Resolution.

**Section 4.** The Stormwater Assessment Roll, which is currently on file in the office of the City Manager and incorporated herein by reference, is hereby approved.

**Section 5.** (A) It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less than the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in the Initial Assessment Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Code and the Initial Assessment Resolution from the City's stormwater utility and a legislative determination that the Stormwater Utility Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution.

(B) The method for computing and apportioning the Stormwater Utility Service Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For the 2010-2011 fiscal year in which Stormwater Utility Service Assessments for Stormwater collection and disposal services, facilities and programs are imposed, the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Non Residential, Residential, and Unimproved Property and the number of ERUs for such properties. A rate of assessment equal to one hundred-twenty dollars (\$120.00) for each ERU for Stormwater collection and disposal services is hereby approved.

(D) The Stormwater Utility Service Assessment Rate of one hundred-twenty dollars (\$120.00) per ERU is hereby established to fund the specified Stormwater Cost determined to be assessed in fiscal year 2010-2011. The estimated Stormwater Cost for fiscal year 2010 is one million seventy one thousand and six hundred dollars (\$1,071,600.00).

**Section 6.** (A) The Stormwater Utility Service 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.

**Section 7.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided however, that any Assessment against Government Property shall be collected pursuant to Section 24-134 of the Code. 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 Exhibit "B."

**Section 8.** If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 9.** This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 24<sup>th</sup> DAY OF AUGUST, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor


AYES: Ramsay, Cinque, Keating, Worthington, Snead  
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

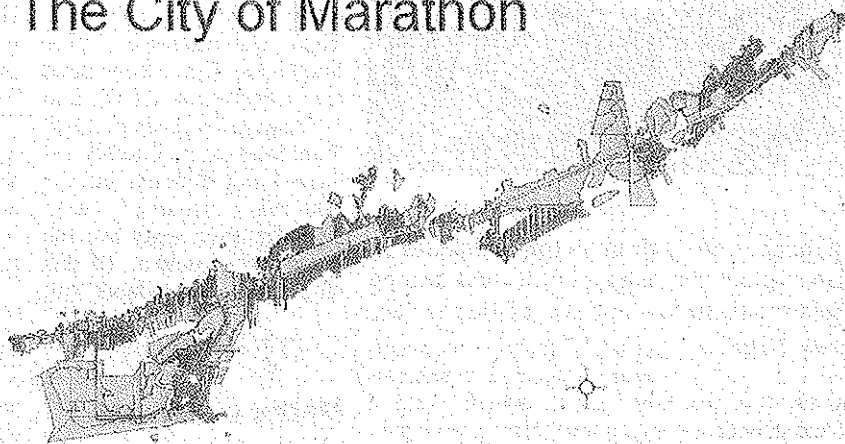


## CITY OF MARATHON, FLORIDA

9805 Overseas Highway, Marathon, Florida 33050

Phone: (305) 743-0033

# The City of Marathon



0 0.5 1 2 3 4 5 6 Miles

## NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS

Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to consider the imposition of special assessments against certain parcels of property located in the City. The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 24, 2010 Marathon Government Center, EOC Room, 2798 Overseas Highway, Marathon, 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 City at (305)289-5020, at least seven 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 City within 20 days of this notice. If a person wishes to appeal any decision made by the City 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 Assessments have been proposed to fund the on-going maintenance of stormwater collection and treatment facilities. The assessment for each parcel of property will be based, in part, on the number of equivalent residential units attributable to such parcel. The maximum annual assessment is estimated to be \$120.00 per ERU. A more specific description is set forth in the Preliminary Assessment Resolution adopted by the City Council on July 27, 2010. Copies of the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the offices of the City Manager, located at 9805 Overseas Highway, Marathon, 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.

If you have any questions, please contact Stormwater Utility at (305)289-5005.

CITY OF MARATHON, FLORIDA

Published Keynote 8/4/10

# KEYNOTER

Published Twice Weekly  
Marathon, Monroe County, Florida

## PROOF OF PUBLICATION

### STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared **WAYNE MARKHAM** who on oath, says that he is **PUBLISHER of the FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: *(date(s) of publication)*

Wed. 8-4-2010

*See Reverse*

Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The 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(s) and that The Florida Keys Keynoter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

*Wayne Markham*

Sworn to and subscribed before me this 18 Day of August, 2010  
(SEAL)

*Beverly Traeger*

Notary

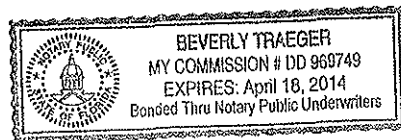


Exhibit B – Certificate To Non-Ad Valorem Assessment Roll


CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that, I am the Mayor of the City 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 Monroe County Tax Collector by September 15, 2010.

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 31 day of August, 2010.

CITY OF MARATHON, FLORIDA

By:   
\_\_\_\_\_  
Mayor Ginger Snead

[TO BE DELIVERED TO TAX COLLECTOR PRIOR TO SEPTEMBER 15, 2010]