

RESOLUTION NO. 2014-82

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, RELATING TO THE PROVISION OF STORMWATER SERVICES, FACILITIES AND MANAGEMENT PROGRAMS IN THE CITY OF MARATHON; APPROVING THE ASSESSMENT RATE FOR STORMWATER SERVICES; IMPOSING THE ANNUAL STORMWATER SERVICE ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2014, AGAINST ASSESSED PROPERTY WITHIN THE CITY OF MARATHON; 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 III of Chapter 34, of the Code of Ordinances, City of Marathon, Florida (the "Code"), which established a Stormwater Utility and authorized the imposition of an annual Stormwater Service Assessment - as provided for in Chapter 197, *Florida Statutes* - to pay for the design, construction, operation and maintenance of the Stormwater Utility's facilities, programs, and collection and treatment services against assessable property within the City; and

WHEREAS, the creation of a Stormwater Utility and the imposition of a Stormwater Service Assessment to pay for the design, construction, operation and maintenance of the Stormwater Utility's facilities, programs, and collection and treatment services is an equitable and efficient method of allocating and apportioning Stormwater costs among all parcels of assessable property located in the City; and

WHEREAS, the Stormwater Service Assessment was initially imposed upon all assessable property within the City commencing October 1, 2005, at an annual rate of \$60.00, and re-imposed commencing on October 1, 2010, at an annual rate of \$120.00; and

WHEREAS, from the inception of the Stormwater Utility and the imposition of an annual Stormwater Service Assessment - as provided for in Chapter 197, *Florida Statutes* - it has been the City's legislative intent and practice to annually assess all non-exempt lots/Assessable Property in the City a Stormwater Service Assessment; and

WHEREAS, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2014-2015, and the assessable property in the City will be subject to the previously established stormwater service assessment amount; and

WHEREAS, as required by the Code the Assessment Roll has been filed with the office of the City Manager, and a notice of public hearing has been published; the proof of publication 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 incorporate herein.

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 is the Annual Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code.

Section 3. (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 Service Assessment for such lot, previously computed and established by the City Council. Adoption of this Annual Rate Resolution constitutes a legislative determination that all lots assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Code, and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

(B) The method for computing and apportioning the Stormwater Utility Assessments described in Resolution 2010-80 is hereby approved.

(C) For Fiscal Year 2014-2015, the Stormwater Cost shall be allocated among all Assessed Property, based upon each parcel's classification as Non-Residential, Residential, Undeveloped, and Exempt 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 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 2014-2015.

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

Section 5. (A) The Stormwater Utility Service Assessments shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, counties, 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 City 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 property 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 City 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. 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 Monroe County Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

Section 7. 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 8. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12th DAY OF AUGUST, 2014.

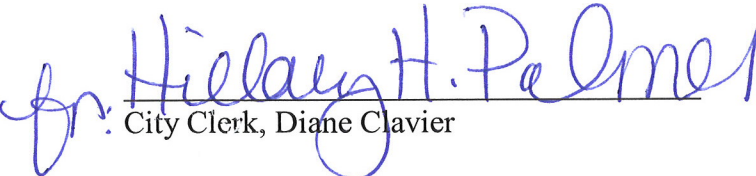
THE CITY OF MARATHON, FLORIDA



Dick Ramsay, Mayor

AYES: Bartus, Bull, Senmartin, Keating, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



for: City Clerk, Diane Clavier

(SEAL)

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



Lynn Dannheisser, City Attorney

EXHIBIT "A"
PROOF OF PUBLICATION



The Florida Keys Only Daily Newspaper, Est. 1878
Cooke Communications, LLC
Florida Keys

PO Box 1800
Key West FL 33041
Office....305-292-7777
Extension...x219
Fax.....305-295-8025
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INTERNET PUBLISHING
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NEWSPAPERS
The Citizen
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Florida Keys Free Press

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Commercial Printing
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Fax 305-853-0556
freepress@floridakeys.com

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared Tommy Todd, who on oath says that he is Advertising Director 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

Notice of Hearing
Collection of Stormwater Assessment

was published in said newspaper in the issue(s) of

July 13, 2014

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 day, 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.

Signature of Affiant

Sworn and subscribed before me this 13 day of July, 2014

Notary Public:

Dawn Kawzinsky

Dawn Kawzinsky
Expires: 1/4/16



DAWN KAWZINSKY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE157233
Expires 1/4/2016

Notary Seal

Personally Known x Produced Identification _____
Type of Identification Produced _____

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLLS**

I HEREBY CERTIFY that, I am the Mayor of the City of Marathon, or authorized agent of the City of Marathon, Florida (the "City"); as such I have satisfied myself that all property included or includable on the **Marathon Stormwater Non-Ad Valorem Assessment Roll** for the aforesaid 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 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, 2014.

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 the 29 day of August, 2014.

City of Marathon, Florida

By: Dick R. King
Mayor



Government Services Group, Inc.
www.WeServeGovernments.com



August 27, 2014

Via Facsimile (305) 295-5021

The Honorable Danise Henriquez
Monroe County Tax Collector
PO Box 1129
Key West, FL 33041

Re: City of Marathon's Stormwater Assessment Program: Non-Ad Valorem Assessment Roll

Dear Ms. Henriquez,

This correspondence is to confirm that Government Services Group, Inc. (GSG) provided the City of Marathon's Stormwater non-ad valorem assessment roll to Maria Smith at Grant Street by electronic transmission on August 27, 2014. The Stormwater non-ad valorem assessment roll contains 6,885 records and a total assessment of \$1,045,350.00.

If you have any questions regarding this non-ad valorem assessment roll, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Sandi Melgarejo".

Sandi Melgarejo
Project Coordinator

cc: Ms. Zully Hemeyer



Government Services Group, Inc.
www.WeServeGovernments.com



August 27, 2014

Via Electronic Transmission

Ms. Zully Hemeyer
City of Marathon
9805 Overseas Highway
Marathon, FL 33050-3228

Re: City of Marathon (the "City") Certificate to the Non-Ad Valorem Assessment Roll for Stormwater

Dear Ms. Hemeyer,

This is a reminder for the City to send the Certificate to Non-ad Valorem Assessment Roll (DOR Form DR-408A) provided in the Annual Stormwater Assessment Resolution to the Monroe County Tax Collector. **The Monroe County Tax Collector must receive the certificate by Monday, September 15, 2014** in order to comply with the statutory requirement of the Uniform Assessment Collection Act.

For your information, below are the number of records and total assessment revenue amount that the City should certify:

Parcel Count	Total Assessment
6,885	\$1,045,350.00

Please ensure the certificate is received by the Monroe County Tax Collector no later than September 15, 2014.

If you have any questions regarding the certification process, please do not hesitate to contact us.

Sincerely,

Sandi Melgarejo
Project Coordinator