

**RESOLUTION NO. 2014-83**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, RELATING TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN THE SUPPLEMENTAL ASSESSMENT PROGRAM AREA IN THE CITY OF MARATHON, FLORIDA; APPROVING THE ASSESSMENT RATE FOR WASTEWATER COLLECTION AND TREATMENT SERVICES; IMPOSING THE ANNUAL WASTEWATER SPECIAL ASSESSMENT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2014, AGAINST ASSESSED PROPERTY WITHIN THE CITY OF MARATHON; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; 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 Wastewater Utility and authorized the imposition of an annual Wastewater Service Assessment - as provided for in Chapter 197, *Florida Statutes* - to pay for the design, construction, operation and maintenance of the Wastewater Utility’s facilities, programs, and collection and treatment services against assessable property within the City; and

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

**WHEREAS**, the City adopted Resolution 2011-49, the Initial Assessment Resolution for the Supplemental Assessment Program (the “Initial Assessment Resolution”), creating the Supplemental Assessment Program Area and describing the method of assessing the cost of Wastewater Collection and Treatment Facilities against the real property specially benefited thereby, and directing preparation of the tentative Assessment Roll and provision of the notices required by the Code; and

**WHEREAS**, after hearing comments and receiving objections of all interested parties at a duly noticed public hearing the City adopted Resolution 2011-59 imposing a Supplemental Assessment Program to fund the Wastewater Collection and Treatment Facilities against the properties located in the Supplemental Assessment Program Area, confirming its creation, approving the Assessment Roll and providing for the collection of the assessments within the Supplemental Assessment Program area (the “Final Assessment Resolution”); and

**WHEREAS**, pursuant to 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**, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2014-2015, and the properties in the Supplemental Assessment Program Area will be subject to the previously established special assessment amount for the Supplemental Assessment Program; 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, the Initial and Final Assessment Resolutions, 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, the Initial Assessment Resolution and the Final Assessment Resolution.

**Section 4. (A)** The Tax Parcels described in the updated Assessment Roll are hereby found to be specially benefited by construction of the Wastewater Improvements 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, as amended, is hereby approved. The updated Assessment Roll includes additional EDUs assessed against various properties pursuant to written agreement between the City and the property owners.

**(B)** For the Fiscal Year beginning October 1, 2014, Annual Assessments computed in the manner described in the Initial Assessment Resolution, as amended, are hereby levied and re-imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of \$462.00 per EDU, and a maximum annual rate of \$104.00 per Connection for a period not to exceed 17 years, commencing in November 2011.

**Section 5.** The Assessment Roll for the Supplemental Assessment Program Area, currently on file with the City Manager and incorporated herein by reference is hereby approved.

**Section 6. (A)** The 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 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 titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Council Annual Assessment Resolution and shall attach to the property included on the Assessment upon adoption of the Annual Assessment Resolution.

**Section 7.** 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.

**Section 8.** 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 affect the validity of the remaining portions or application of this Resolution.

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

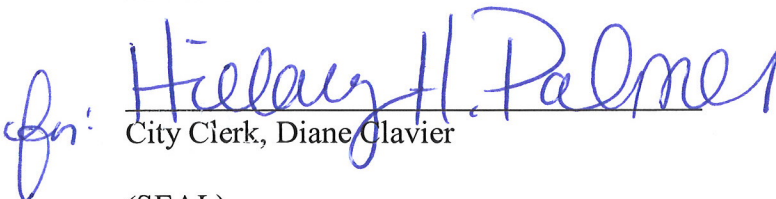
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12<sup>th</sup> DAY OF AUGUST, 2014.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Dick Ramsay, Mayor**

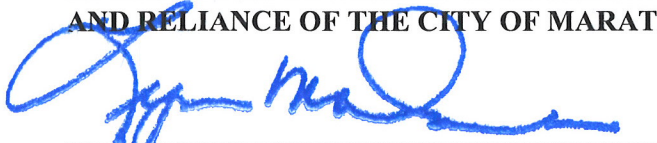
AYES: Bartus, Senmartin, Keating, Bull, Ramsay  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
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**



STATE OF FLORIDA  
COUNTY OF MONROE

PO Box 1800  
Key West FL 33041  
Office....305-292-7777  
Extension...x219  
Fax.....305-295-8025  
legals@keysnews.com

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  
Wastewater Special Assessment Area 1,3,4,5,6,7

INTERNET PUBLISHING  
keywest.com  
keynews.com  
floridakeys.com  
key-west.com  
Web Design Services

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

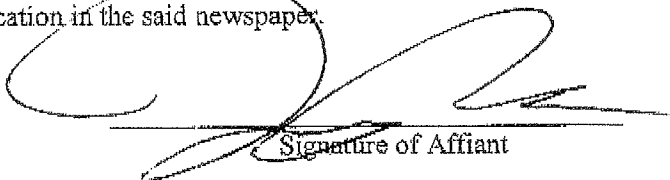
July 13, 2014

NEWSPAPERS  
The Citizen  
Southernmost Flyer  
Florida Keys Free Press

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.

MARKETING SERVICES  
Commercial Printing  
Direct Mail

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

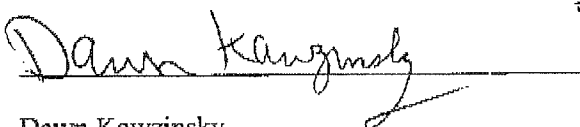
  
Signature of Affiant

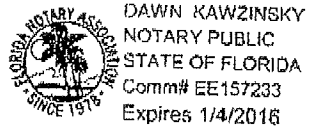
Internet Division  
Tel 305-292-1880  
Fax 305-294-1699  
sales@keywest.com

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

Upper Keys Office  
91731 Overseas Hwy  
Tavernier, FL 33070  
Tel 305-853-7277  
Fax 305-853-0556  
freepress@floridakeys.com

Notary Public:





Dawn Kawzinsky  
Expires: 1/4/16

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 Wastewater Supplemental 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: \_\_\_\_\_

Mayor

Dick Reay



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 Wastewater - Supplemental 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 Wastewater - Supplemental non-ad valorem assessment roll to Maria Smith at Grant Street by electronic transmission on August 27, 2014. The Wastewater - Supplemental non-ad valorem assessment roll contains 32 records and a total assessment of \$102,243.66.

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 Wastewater - Supplemental**

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 Wastewater - Supplemental 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
32	\$102,243.66

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