

RESOLUTION NO. 2024-70

A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN SERVICE AREAS 1, 3, 4, 5, 6, 7, & SUPPLEMENTAL ASSESSMENT PROGRAM AREA IN THE CITY OF MARATHON, FLORIDA; IMPOSING THE ANNUAL WASTEWATER SPECIAL ASSESSMENTS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2024; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR 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”), to provide for the creation of assessment areas and authorize the imposition of special assessments to fund the construction of local improvements to serve the property located therein; and

WHEREAS, the imposition of a Wastewater Service Assessment for wastewater collection and treatment services, facilities and programs is an equitable and efficient method of allocating and apportioning Wastewater Costs among parcels of Assessable Property located in the City; and

WHEREAS, the City adopted Resolution 2008-96, (the “SA 4 & 6 Initial Assessment Resolution”), creating Service Areas 4 & 6 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 2008-107 imposing an Assessment Program to fund the Wastewater Collection and Treatment Facilities against the properties located in Service Areas 4 & 6, confirming their creation, approving the Assessment Roll and providing for the collection of the assessments within Service Areas 4 & 6 (the “SA 4 & 6 Final Assessment Resolution”); and

WHEREAS, the City adopted Resolution 2009-66, (the “SA 1, 3, 5 & 7 Initial Assessment Resolution”), creating Service Areas 1, 3, 5, & 7 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 2009-90, imposing an Assessment Program to fund the Wastewater Collection and Treatment Facilities against the properties

located in Service Areas 1, 3, 5, & 7, confirming their creation, approving the Assessment Roll and providing for the collection of the assessments within Service Areas 1, 3, 5, & 7 (the “SA 1, 3, 5, & 7 Final Assessment Resolution”); 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 2024-2025, and the properties in Service Areas, 1, 3, 4, 5, 6 & 7, & Supplemental Assessment Program will be subject to the previously established special assessment amounts for the Assessment Programs; 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. This Resolution is adopted pursuant to the Code, the SA 4 & 6 Initial and Final Assessment Resolutions, Initial and Final Assessment Resolutions, the SA 1, 3, 5, & 7 Initial and Final Assessment Resolutions & Supplemental Assessment Resolutions, Section 166.021 and 166.041, *Florida Statutes*, and other applicable provisions of law.

Section 2. 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, and the SA 4 & 6 Initial and Final Assessment Resolutions, Initial and Final Assessment Resolutions, the SA 1, 3, 5 & 7 Initial and Final Assessment Resolutions & Supplemental Assessment Resolutions.

Section 3. (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 SA 4 & 6 Initial and Final Assessment Resolutions, Initial and Final Assessment Resolutions, the SA 1, 3, 5 & 7 Initial and Final Assessment Resolutions & Supplemental Assessment Resolutions, as amended, is hereby approved. The updated Assessment Roll includes additional EDUs assessed against various properties pursuant to a written agreement between the City and the property owners.

(B) For the Fiscal Year beginning October 1, 2024, Annual Assessments computed in the manner described in the SA 4 & 6 Initial Assessment Resolution and SA 1, 3, 5 & 7 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 \$415.00 per EDU, and a maximum annual rate of \$93.00 per Connection for a period not to exceed 20 years, commencing in November 2008 for Service Areas 4 & 6 and November 2009 for Service Areas 1, 3, 5, & 7. For the Fiscal Year beginning October 1, 2024,

(C) For the Fiscal Year beginning October 1, 2024, Annual Assessments computed in the manner described in the Supplemental Initial Assessment Resolution, as amended, are hereby levied and re-imposed on all Tax Parcels described in the Assessment Roll.

Section 4. The Assessment Roll for Service Areas 1, 3, 4, 5, 6 & 7, Supplemental Assessment Resolutions currently on file with the City Manager and incorporated herein by reference is hereby approved.

Section 5. (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 6. 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 7. 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 8. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 27th DAY OF AUGUST, 2024.

THE CITY OF MARATHON, FLORIDA



Robyn Still, Mayor

AYES: Gonzalez, Landry, Matlock, Smith, Still
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:**



Steve Williams, City Attorney

EXHIBIT "A"
PROOF OF PUBLICATION

FROM PAGE 1A

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



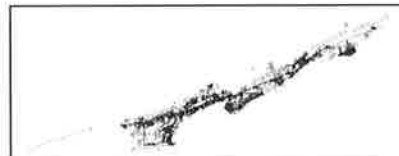
Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to consider the imposition of special assessments against certain parcels of property located in the City. The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 27, 2024 at the City of Marathon Council Chambers, 9805 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) 289-4130, at least five 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 non-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

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS FOR SERVICE AREAS 1, 3, 4, 5, 6 AND 7 (Including the Supplemental Assessment Program)



Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to receive public comment on the existing wastewater assessments against certain parcels of property located in the City and approve the special assessment roll for service areas 1, 3, 4, 5, 6, and 7 (including the Supplemental Assessment Program). The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 27, 2024 at the City of Marathon Council Chambers, 9805 Overseas Highway, Marathon, Florida for the purpose of receiving public comment on the assessments and their collection on the tax bill. 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) 289-4130, at least five 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 were originally imposed in 2008, 2009, and 2011 to fund construction of wastewater collection and treatment facilities. The assessment for each parcel of property is based, in part, on the number of equivalent dwelling units attributable to such parcel, and, in part, on the number of connections attributable to such parcel. Unless prepaid, the annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment is estimated to be \$415 per EDU and \$93 per Connection for Service Areas 1, 3, 4, 5, 6 & 7. A more specific description is set forth in the Initial Assessment Resolution adopted by the City Council on June 24, 2008 and June 9, 2009. Copies of the Initial Assessment Resolution, the plans and specifications for the wastewater collection and treatment facilities, 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. The City Council intends to collect the assessments in not to exceed twenty (20) annual assessments, the first of which was included on the ad valorem tax bill mailed in November 2009. Future annual assessments may be prepaid at the option of the property owner.

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

CITY OF MARATHON, FLORIDA

Bond/

from A1
Vice Mayor Sam Kaufman suggested lowering the amount of each proposal, many of which were fraught with multiple motions and reconsideration before agreement. Johnston also sought direction from lawyers on how to inform and include the community on the details of the proposals, with workshops being suggested. Commissioners ultimately agreed, on a 4-3 vote, to move forward on the referendums.

The proposed Parks and Recreation referendum, originally with a \$68 million price tag, aims to provide accessible innovative parks and cultural facilities to Key West and includes restoration, replacement and renovation to parks and other capital assets. After balking on the original proposal, Kaufman amended the motion for approval of \$30 million. Commissioner Lisette Carey seconded the motion, but Commissioner Jimmy Weekly offered a motion to amend the amount to \$50 million. Commissioners then agreed to that amount.

with Carey, Kaufman and Commissioner Billy Wardlow voting against it. Commissioners then took up the referendum regarding Transportation, with Kaufman suggesting reducing the \$51 million amount to \$25 million, but the motion was defeated. Commissioner Mary Lou Hoover then motioned for approval of the original amount, which commissioners approved on another 4-3 vote, with Carey, Kaufman and Wardlow again voting against it.

Key West Police Chief Sean Brandenburg made an impassioned plea for the commission to approve the public safety referendum, although he specifically requested enough funds to replace Fire Station No. 3 on Flagler Avenue.

The referendum initially called for an \$82 million bond. Commissioner Kaufman sought to reduce that amount to \$62 million and Commissioner Clayton Lopez suggested even less, \$42 million, which currently is the estimated cost to replace the aging station. "I will make this commitment to you: Our No. 1 priority should be Fire Station No. 3,"

"We should build Fire Station No. 3 as an EOC (Emergency Operations Center), in the manner in which (Key West Fire) Chief (Alan) Averette has said it."

The police chief then told commissioners: "I will not ask you for a penny of this money until Fire Station No. 3 is built and completed. I make that commitment to you."

On the fourth and final referendum regarding adaptation, commissioners considered a variety of values before a request to take a break was made by Kaufman. During the break, an unidentified person was overheard saying "I feel like I'm at an auction," before commissioners returned to hear from Sustainability Coordinator Alixon Higgins.

Higgins told the commission the \$99 million request, which would be used for mitigating hurricane and sea-level rise impacts, and strategic investments in roads, buildings and infrastructure, could be lowered; the commission discussed amounts of \$75 million and \$50 million before agreeing to \$65 million.

ISLAMORADA, VILLAGE OF ISLANDS NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, August 8, 2024, at 5:30 P.M. in the Islamorada, Village of Islands Village Council, will hold a public hearing at Founders Park Community Center, located at 87000 Overseas Highway, Islamorada, Florida. The purpose of the public hearing is to consider the following items:

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR AN AMENDMENT TO THE ZONING MAP FOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF THE EXISTING HOTEL FOR PROPERTY LOCATED AT R2100 AND R1900 OVERSEAS HIGHWAY AND 131 CARROLL STREET ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) AND SETTLERS RESIDENTIAL (SR) ZONING DISTRICTS, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 98011, 9055, 9089 AND 9070 OLD HIGHWAY 151 TAXPARKER WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT R2100 AND R1900 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DAVID L AND LAURIE V WEBB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-68(4)(a)(b)(3) - SIDE YARD SETBACK, TO ALLOW FOR THE CONSTRUCTION OF A NEW CARGO LIFT WITHIN THE SIDE YARD SETBACK FOR PROPERTY LOCATED AT 91 W PLAZA DEL SOL ON LOWER MATECUMBE KEY, WITHIN THE R1M (RESIDENTIAL SINGLE FAMILY - MASSIVE) ZONING DISTRICT, WITH REAL ESTATE NUMBER 0034408-000000, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

FIRST READING
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH CREEKSIDE LLC TO AMEND THE OFFICIAL ZONING MAP FROM VILLAGE CENTER (VC) TO NEIGHBORHOOD COMMERCIAL (NC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBERS 0047590-000000, 0047600-000000 AND 0047600-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LANN L BELL TO AMEND THE VILLAGE'S FUTURE I AND USE MAP FROM RESIDENTIAL MEDIUM DENSITY TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 0004700-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LANN L BELL, TO AMEND THE OFFICIAL ZONING MAP FROM SETTLERS RESIDENTIAL (SR) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404700-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30-1 AND DEVELOPMENT REGULATIONS, ARTICLE VII - ENVIRONMENTAL REGULATIONS, DIVISION 2 - DOCKS AND SHORELINE USES, SECTION 30-154 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECOND READING
AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.

A copy of the items may be reviewed at the Village Administrative Center and Public Safety Headquarters, 86000 Overseas Highway, Islamorada, Florida.

Affected parties may appear at the public hearing or via the Zoom video conferencing tool for the public hearing, be heard and submit evidence with respect to the application.

Pursuant to Section 286.0185, Florida Statutes, anyone wishing to appeal any decision made by the Islamorada Village Council (with respect to any matter considered at such meeting or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, prepared by a court reporter at the appellant's expense; such record shall include the testimony and evidence upon which the appeal is to be based.

AHA Assistance: In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the office of the Village ADA Coordinator at (305) 664-6448 (TTY: 664-6448) at least three days prior thereto.

Two or more committee members from various committees may be present at this meeting.

Jonathan DeHosbranz
Director of Planning