

ORDINANCE NO. 03-12-01

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CONSENTING TO THE INCLUSION OF A SPECIFIED AREA OF THE CITY OF MARATHON IN THE MARATHON MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR TERMINATION OF CONSENT; LIMITING THE MAXIMUM ANNUAL MILLAGE TO BE LEVIED BY THE MARATHON MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. **Findings.** It is hereby ascertained, determined, and declared that:

(A) The Board of County Commissioners of Monroe County, Florida, has proposed to establish by Ordinance the Marathon Municipal Service Taxing Unit the boundaries of which are as specified in the legal description attached as Exhibit "A," for the purpose of providing a limited funding source for the reimbursement and provision of municipal services relating to the administration, planning and development of wastewater and reclaimed water projects by the Florida Keys Aqueduct Authority within the Marathon Municipal Service Taxing Unit.

(B) In order to fund and provide such services, the effectiveness of the County Ordinance establishing the Marathon Municipal Service Taxing Unit is expressly subject to consent thereto by an ordinance adopted by the governing body of the City of Marathon, as required by Section 125.01, Florida Statutes.

(C) The City of Marathon hereby determines that the inclusion of the properties located within the boundaries of the Marathon Municipal Service Taxing Unit is a means to ensure that

funds derived from such a County levy are in fact used to benefit the area from which they were collected.

Section 2. **Consent.** The City Council consents to the inclusion of all of the properties located within the Marathon Municipal Service Taxing Unit to be established pursuant to Monroe County Ordinance prior to December 31, 2002. Such consent shall become effective immediately upon adoption of this Ordinance. Provided, however, such consent shall be subject to the termination provisions in Section 3 hereof.

Section 3. **Limitation of the Levy of Ad Valorem Taxes; Termination of Consent.**

(A) Monroe County officials have represented that the Monroe County Ordinance creating the Marathon Municipal Service Taxing Unit shall expressly limit the levy of additional ad valorem taxes to a millage rate not to exceed 0.77 mil assessed against all real and personal property located within the Marathon Municipal Service Taxing Unit.

(B) The consent herein provided shall be subject to the following limitations:

1. The annual millage rate levied by the Monroe County Board of County Commissioners shall not exceed the millage rate specified in Section 3 (A);
and
2. The levy and collection of ad valorem taxes as authorized in the Monroe County Ordinance creating the Marathon Municipal Service Taxing Unit shall be for a term of no more than four (4) consecutive years ending with fiscal year 2007-2008.

(C) The consent provided herein shall automatically terminate with no further notice or action required by the City Council should the Board of County Commissioners levy a tax for the Marathon Municipal Service Taxing Unit that violates either of the provisions of Section 3 (B).

Section 4: **Severability.** If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 5: **Inclusion in the Code.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Marathon, Florida, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Code.

Section 6: **Effective date.** This Ordinance shall be effective immediately upon its adoption.

The foregoing Ordinance was offered by Councilman Greenman who moved for its adoption. This motion was seconded by Councilman Bartus, and upon being put to a vote, the vote was as follows:

Mayor John Bartus	<u>Yes</u>
Vice Mayor Randy Mearns	<u>Yes</u>
Councilman Frank Greenman	<u>Yes</u>
Councilman John Repetto	<u>Yes</u>
Councilman Pete Worthington	<u>Yes</u>

PASSED on first reading this 13th day of November, 2002.

The foregoing Ordinance was offered by Councilman Greenman, who moved for its adoption. This motion was seconded by Councilman Repetto, and upon being put to a vote, the vote was as follows:

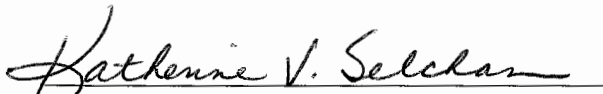
Mayor John Bartus	<u>Yes</u>
Vice Mayor Randy Mearns	<u>Yes</u>
Councilman Frank Greenman	<u>Yes</u>
Councilman John Repetto	<u>Yes</u>
Councilman Pete Worthington	<u>Yes</u>

PASSED AND ADOPTED on second reading this 11th day of December, 2002.



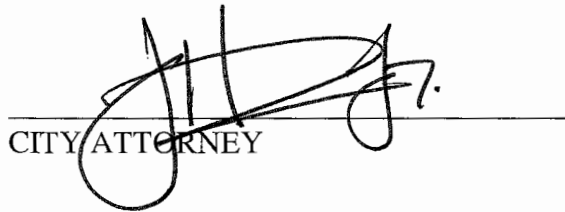
JOHN BARTUS, MAYOR

ATTEST:



Katherine V. Selchan
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



CITY ATTORNEY

EXHIBIT A

MARATHON MUNICIPAL SERVICE TAXING UNIT AREA

All of the incorporated municipal limits of the City of Marathon, Florida. Extending from the east end of the 7-Mile Bridge through Grassy Key and generally bounded on the west by Knight Key Channel, on the east by Tom's Harbor Channel, on the north by Florida Bay, and on the south by the Atlantic Ocean (approximate Mile Marker 47 to Mile Marker 60);

LESS AND EXCEPT, Little Venice Wastewater District Service Area which includes the area described as bounded by US Highway 1 on the northwest and by the Atlantic Ocean on the southeast from Vaca Cut to 95th Street along the western side of the Marathon Airport (for purposes of clarification, the Little Venice Wastewater District Service Area includes the areas as described bounded by US Highway 1 on the northwest and by the Atlantic Ocean on the southeast from Vaca Cut to the western boundary of Buttonwood Acres Subdivision according to Plat Book 04, at Page 160, Public Records Monroe County, Florida, and includes all parcels abutting 95th Street); and also,

LESS AND EXCEPT, beginning at the point of intersection of the north right-of-way line of US Highway One with the southeast corner of the Marathon Airport, then commencing northerly along the easterly border of the Marathon Airport to the intersection of the south right-of-way line of 6th Avenue (Airport Boulevard), then commencing northerly to the intersection of the north right-of-way line of 6th Avenue (Airport Boulevard) and the southwest corner of the plat of Stirrup Key Bight (as recorded in Plat Book 3, at Page 168 of the Public Records of Monroe County, Florida), then continuing northerly along the west line of the plat of Stirrup Key Bight to the shoreline of Florida Bay, then easterly following the shoreline of Florida Bay to the intersection of the east right-of-way line of 113th Street (Margaret Avenue) to the intersection of 1st Street (Chester Street), then westerly along 1st Street (Chester Street) to the intersection of Key Colony Drive, then southerly along Key Colony Drive to the intersection of the north right-of-way line of US Highway One, then westerly along the north right-of-way line of US Highway One to the intersection of the west right-of-way line of 107th Street (Industrial Avenue), then continuing westerly along the north right-of-way line of US Highway One a distance of approximately 60 feet to the point of beginning herein described (sometimes referred to as the "Little Venice Expanded Service Area").