

RESOLUTION NO. 19-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF THE UNDERGROUND UTILITY LINE FACILITIES IN THE LAS OLAS ISLES NEIGHBORHOOD; IMPOSING UNDERGROUND UTILITY LINE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED IN THE CITY OF FORT LAUDERDALE, FLORIDA; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, (the "City Commission") has enacted Ordinance No. C-10-12, as amended and codified in Chapter 25, Article IV, Division 2 of the Code of Ordinances of the City of Fort Lauderdale (the "Ordinance"), which authorizes the imposition of Underground Utility Line Assessments for the provision of simultaneous implementation of a method of reimbursement to the City of Fort Lauderdale ("the City") by the owners of parcels against Assessed Property in the Assessment Area located within the City; and

WHEREAS, the City Commission adopted Resolution No. 13-86 creating an underground utility planning service area for Las Olas Isles Area "B" for the purpose of undertaking certain planning activities for the benefit of property located within the Underground Utility Planning Service Area ("UUPSA") Area "B" with respect to the undergrounding of overhead utility lines; Resolution No. 19-33 electing to use the uniform method for collecting non-ad valorem assessments to be levied for the cost of providing utility undergrounding to properties within the incorporated area of the City; and Resolution No. 19-123 declaring the intent to install underground utility line facilities in the Las Olas Isles neighborhood and imposing an assessment against property located within the assessment area pursuant to the Ordinance; and

WHEREAS, the Ordinance requires the adoption of a Final Assessment Resolution for each Fiscal Year in which Assessments will be imposed and to approve the Assessment Roll for such Fiscal Years; and

WHEREAS, the City Commission desires to impose the Underground Utility Line Assessment within the City using the tax bill collection method for the Fiscal Year beginning on October 1, 2019; and

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed to those property owners proposed to be assessed and required to receive mailed notice pursuant to the Ordinance, notifying such property owner of the Owner's opportunity to be heard, the proof of publication being attached hereto as Appendix A; and

WHEREAS, a public hearing was held on September 12, 2019 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance; and

WHEREAS, the City Commission hereby finds and determines that the Underground Utility Line Assessment to be imposed in accordance with this Resolution, provides an equitable method of funding the Project Cost of the Underground Utility Project by fairly and reasonably allocating the cost based on the special benefit derived by Assessed Properties in the manner herein described;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, the Ordinance, the Declaration Resolution (Resolution No. 19-123), and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Final Assessment Resolution for the Underground Utility Line Assessment as defined in the Ordinance. All capitalized terms not otherwise defined in this Resolution shall have the meanings defined in the Ordinance and the Declaration Resolution.

SECTION 3. IMPOSITION OF FIRE RESCUE ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the underground utility line facilities described in the Declaration Resolution, in the amount of the Underground Utility Line Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of underground utility line facilities in an amount not less than the Underground Utility Line Assessment for such parcel, computed in the manner set forth in the Declaration Resolution. Adoption of this Final Assessment 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 Ordinance and the Declaration Resolution from the underground utility line facilities to be provided and a legislative determination that the Underground Utility Line Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Declaration Resolution.

(B) The method for computing Underground Utility Line Assessments described or referenced in the Declaration Resolution is hereby approved. The Parcel Apportionment methodology described and adopted in Section 2.03 of the Declaration Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2019, the estimated Underground Utility Line Assessed Cost to be assessed is \$7,700,000. The Underground Utility Line Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment methodology provided in Resolution 19-123 for the Fiscal Year commencing October 1, 2019 are hereby established as \$24,600.64 per EBU.

(D) The above rates of assessment are hereby approved. Except as otherwise provided herein, the Underground Utility Line Assessments for underground utility line facilities in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll for the Fiscal Year beginning October 1, 2019.

(E) The Assessment Roll as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. 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 Appendix B.

SECTION 4. CONFIRMATION OF DECLARATION RESOLUTION. The Declaration Resolution is hereby confirmed.

SECTION 5. METHOD OF COLLECTION. The Underground Utility Line Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and pursuant to Section 25-131.1 of the Ordinance.

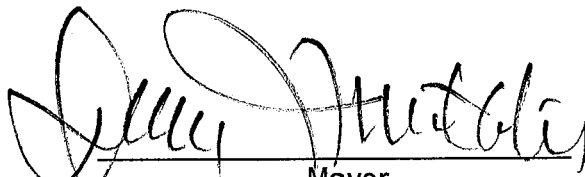
SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Underground Utility Line Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Resolution.

SECTION 7. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

SECTION 8. CONFLICTS. This resolution or parts of resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 9. EFFECTIVE DATE. This Final Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this the 12th day of September, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

APPENDIX A
PROOF OF PUBLICATION

SUN SENTINEL
Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared Mark Kuznitz who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a **NOTICE OF PUBLIC HEARING** in the matter of **THE CITY OF FORT LAUDERDALE - UTILITY UNDERGROUND ASSESSMENT NOTICE** appeared in the paper on **AUGUST 23, 2019 AD ID# 6418098** Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she 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 said newspaper.

Mark Kuznitz
Mark Kuznitz, Affiant

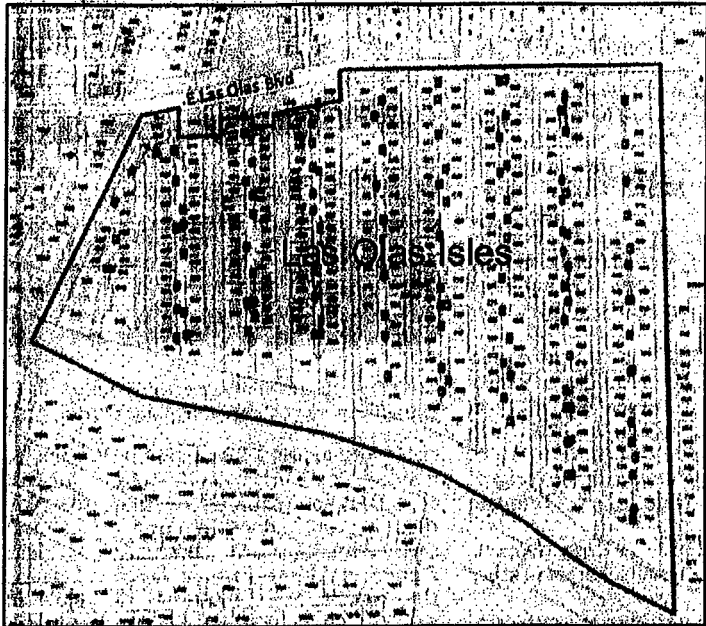
Sworn to and subscribed before me on **AUG 23, 2019**

Maria In
(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

Personally Known X or Produced
Identification

**NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF NON-AD VALOREM
ASSESSMENTS FOR LAS OLAS ISLES
UNDERGROUND UTILITY LINE FACILITIES**



Notice is hereby given that the City Commission of Fort Lauderdale, Florida, will conduct a public hearing to hear objections of all interested persons to the final assessment resolution of the Las Olas Isles Underground Utility Line Facilities Assessment, as shown above, and to impose non-ad valorem assessments against certain property located therein and collecting the assessments on the ad valorem tax bill. The hearing will be held at 5:01 P.M. on September 12, 2019 in the City Commission Room, City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 828-5002 two days prior to the meeting. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days following August 23, 2019. Any person wishing to appeal any decision of the City Commission with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.

The assessments have been proposed to fund capital costs for construction of the Las Olas Underground Utility Line Facilities to serve the Las Olas Underground Special Assessment Area. The assessment will be divided among specially benefited tax parcels based upon the amount of Equivalent Benefit Units or EBUs attributable to each tax parcel. The Fiscal Year 2019-20 assessment rates are as follows:

Category	Billing Unit	Cost Per Billing Unit
Single-Family Detached Residential Parcel	EBU	\$529.59

A more specific description of these assessment methodologies is set forth in the Declaration Resolution adopted by the City Commission on July 9, 2019. Copies of the Declaration Resolution, the plans and specifications for the Las Olas Underground Utility Line Facilities project, and the preliminary assessment rolls are available for inspection at the offices of the City Manager, located at the City Hall, Fort Lauderdale, Florida. All interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the City Manager.

Underground Utility Line Assessments will be collected by the Broward County Tax Collector on the ad valorem tax bill for a period of 30 years, commencing with the tax bill to be mailed in November 2019. 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 the Public Works Department at 954-828-5772, Monday through Friday 8:00 a.m. through 4:30 p.m.

JEFFREY A. MODARELLI
CITY CLERK
CITY OF FORT LAUDERDALE

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Anyone needing auxiliary services to assist in participation at the meeting, please contact the City Clerk at (954) 828-5002 two days prior to the meeting.

APPENDIX B

**FORM OF CERTIFICATE TO
NON AD VALOREM ASSESSMENT ROLL**

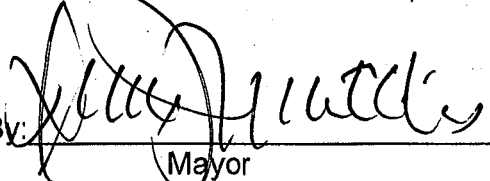
CERTIFICATE
TO
NON AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that, I am the Mayor of the City of Fort Lauderdale, Florida, or an authorized agent of the City of Fort Lauderdale, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for underground utility line 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 the Broward County Department of Finance and Administrative Services by September 15, 2019.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above described Non Ad Valorem Assessment Roll this 13 day of September, 2019.

CITY OF FORT LAUDERDALE, FLORIDA

By: 

Mayor
DEAN J. TRANTALIS