

RESOLUTION NO. 22-211

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF THE STORMWATER MANAGEMENT PROGRAM ASSESSMENTS IN THE CITY OF FORT LAUDERDALE; IMPOSING STORMWATER MANAGEMENT PROGRAM 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, on June 16, 2020, the City Commission of the City of Fort Lauderdale, Florida (the "City Commission") adopted Ordinance No. C-20-18 (the "Ordinance") authorizing the City Commission to impose a stormwater management program assessment to fund all or any portion of the planning, construction, operation, maintenance, and administration of a public stormwater management system upon benefited parcels at a rate of assessment based on the special benefit accruing to such parcel from the provision of a stormwater management program; and

WHEREAS pursuant to the Ordinance the City Commission adopted Resolution No. 20-123 (the "Initial Assessment Resolution") that (a) describes the property to be located within the proposed stormwater management system benefit area; (b) describes the stormwater management program proposed for funding from proceeds of the assessments; (c) estimates the stormwater management program cost; (d) describes with particularity the proposed method of apportioning the stormwater management program cost among the parcels of property located within the proposed stormwater management system benefit area, such that the owner of any parcel of property can objectively determine the number of assessment units and the amount of the assessment; (e) describes the provisions, if any, for acceleration and prepayment of the assessment; (f) describes the provisions, if any, for reallocating the assessment upon future subdivision or other changes in condition that affects the method of apportioning the stormwater management program cost; and (g) includes specific legislative findings that recognize the fairness provided by the apportionment methodology; and

WHEREAS, pursuant to the Ordinance, the City Commission adopted Resolution No. 20-154 (the "Final Assessment Resolution") that (a) created the stormwater management system benefit area; (b) confirmed the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the city commission; (c) established the maximum amount of an assessment for each assessment unit; (d) approved the assessment roll, with such amendments as it deems just and right; and (e) determined the method of collection.

The imposition of stormwater management program assessments requires certain processes such as notice and the preparation of the Assessment Roll; and

WHEREAS, Section 28-207 of the Ordinance (codified as Section 28-200.7 of the City of Fort Lauderdale's Code of Ordinances) provides for an annual process for the approval of the assessment roll through the adoption of an annual assessment resolution; and

WHEREAS, the City Commission adopted Resolution No. 22-164 on July 5, 2022, initiating the process for reimposition of the stormwater management services assessment in the City of Fort Lauderdale for the Fiscal Year beginning October 1, 2022, directing the preparation of an assessment roll, authorizing a public hearing and directing the provision of notice thereof, providing for rescission of conflicting provisions, severability and an effective date; 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, 2022, 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 Stormwater Management Program Assessment to be imposed in accordance with this Resolution, provides an equitable method of funding the Project Cost of the Stormwater Management Program by fairly and reasonably allocating the cost based on the special benefit derived by Assessed Properties in the manner herein described; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, deems it to be in the best interest of the citizens and residents of the City of Fort Lauderdale to adopt this Annual Assessment Resolution for the fiscal year beginning October 1, 2022; and

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 the Ordinance (Ordinance No. C-20-18), Article VIII, Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Assessment Resolution for the Stormwater Management Program Assessment for Fiscal Year 2023 as defined in the Ordinance. All capitalized terms not otherwise defined in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution.

SECTION 3. DESCRIPTION OF STORMWATER MANAGEMENT SYSTEM BENEFIT AREA. The Stormwater Management System Benefit Area shall include all tax parcels within the City.

SECTION 4. IMPOSITION OF STORMWATER MANAGEMENT PROGRAM ASSESSMENTS. Stormwater Management Program Assessments shall be imposed against all Tax Parcels located wholly or partially within the Stormwater Management Program Assessment Area, with the exception of Government Property owned by a Contributing Government, for each Fiscal Year in which Obligations remain outstanding and are hereby found to be specially benefitted by the Stormwater Management Program in the amount of the maximum Annual Assessment set forth in the Assessment Roll and are hereby levied and imposed on all Tax Parcels described in the Assessment Roll. The Annual Assessment shall be computed in accordance with Section 2.03 of Resolution No. 20-123. When imposed, the Stormwater Management Program Assessments for each Fiscal Year shall constitute a lien upon such Tax Parcels, with the exception of Tax Parcels owned by an entity or individual not authorized to pay special assessments under Florida law, pursuant to the Ordinance and shall be collected on the ad valorem tax bill in the manner authorized by the Uniform Assessment Collection Act and described in the Resolutions.

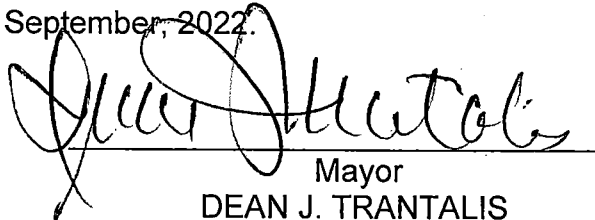
SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll for the Stormwater Management Program Assessment Area that contains the Stormwater Management Program Assessments for those Tax Parcels, of which all or a portion are located within the Stormwater Management Program Assessment Area, which is currently on file with the City Clerk and attached as Appendix B, is hereby approved. Upon adoption of this Annual Assessment Resolution for the Stormwater Management Program Assessment Area 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. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate of Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 6. 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 7. CONFLICTS. This resolution or parts of resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 8. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.


ADOPTED this 12th day of September, 2022.


Mayor
DEAN J. TRANTALIS

ATTEST:


City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:


City Attorney
ALAIN E. BOILEAU

Dean J. Trantalis	<u>Yea</u>
Heather Moraitis	<u>Yea</u>
Steven Glassman	<u>Yea</u>
Robert L. McKinzie	<u>Not Present</u>
Ben Sorensen	<u>Yea</u>

APPENDIX A
PROOF OF PUBLICATION

SUN-SENTINEL

Sold To:

City of Fort Lauderdale City Clerk's Office - CU80046944
100 N Andrews Ave Fl 6
Fort Lauderdale, FL 33301

Bill To:

City of Fort Lauderdale City Clerk's Office - CU80046944
100 N Andrews Ave Fl 6
Fort Lauderdale, FL 33301

Published Daily

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

State Of Florida

County Of Broward

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN-SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11745-Other Legal Notices , City of Fort Lauderdale City Clerk's Office
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Aug 28, 2022

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.



Signature of Affiant

Sworn to and subscribed before me this: September 07, 2022.

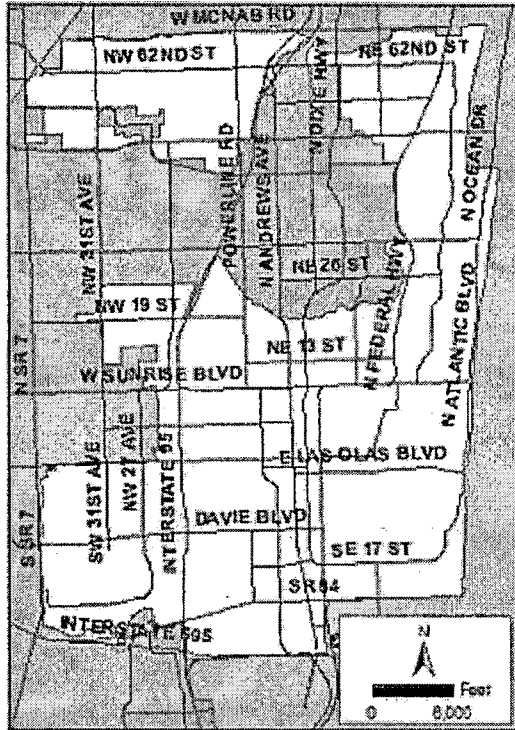


Signature of Notary Public



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 STORMWATER PROGRAM MANAGEMENT



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 annual assessment resolution of the Stormwater Program Assessment, as shown above, and to impose non-ad valorem assessments against certain properties located therein and collecting the assessments on the ad valorem tax bill. The hearing will be held at 5:01 P.M. on Monday, September 12, 2022 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 at least 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 of this notice. 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 all or any portion of the planning, construction, operation, maintenance, and administration of a public stormwater management system. The assessment will be divided among the specially benefited tax parcels based upon the amount of Equivalent Benefit Units or EBUs attributable to each tax parcel. The Fiscal Year 2022/2023 assessment rates are as follows:

Category	Estimated Project Costs Allocation per EBU	EBU Type or Billing Unit	# of EBUs	Estimated Assessment
Category I	\$218.71	Dwelling Unit	44,153.00	\$9,656,703
Category II	\$2,273.01	Acres	5,534.61	\$12,580,225
Category III	\$567.00	Acres	582.89	\$330,409
Trips	\$4.19	Trips	1,485,390.19	\$6,223,793

A more specific description of these assessment methodologies is set forth in the Resolution (22-164) adopted by the City Commission on July 5, 2022. Copies of the Resolution and the preliminary assessment rolls are available for inspection at the offices of the City Clerk, located at the City Hall, Fort Lauderdale, Florida.

Stormwater Program Management Assessments will be collected by the Broward County Tax Collector on the ad valorem tax bill commencing with the tax bill to be mailed in November 2022. 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 Customer Service Center at (954) 828-8000, Monday through Friday 8:00 a.m. through 4:30 p.m.

DAVID R. SOLOMAN
CITY CLERK
CITY OF FORT LAUDERDALE, FLORIDA

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's Office at (954) 828-5002 at least two days prior to the meeting, and arrangements will be made to provide those services for you.

APPENDIX B

***PLACEHOLDER FOR ASSESSMENT ROLL
(EXHIBIT 1 TO COMMISSION AGENDA MEMORANDUM NO. 22-0646)
FULL DOCUMENT WILL BE ATTACHED AFTER FINAL ADOPTION***

APPENDIX C

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

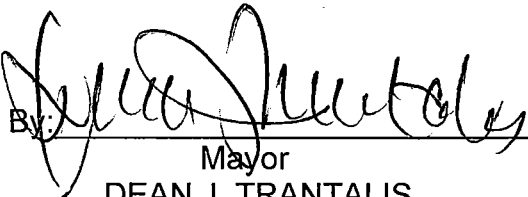
CERTIFICATE
TO
NON AD VALOREM ASSESSMENT ROLL

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 the Stormwater Management Program Assessment (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, 2022.

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 12th day of September, 2022.

CITY OF FORT LAUDERDALE, FLORIDA

By: 

Mayor
DEAN J. TRANTALIS