

RESOLUTION NO. 21-

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 LAS OLAS ISLES NEIGHBORHOOD 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 (the "City Commission") of the City of Fort Lauderdale, Florida (the "City") has enacted Ordinance No. C-10-12 (the "Ordinance"), as amended and codified in Chapter 25, Article IV, Division 2 of the Code of Ordinances of the City, which authorizes the imposition of Underground Utility Line Assessments for the funding of all or any portion of the planning, construction, installation and equipping of undergrounding facilities benefitting Assessed Property in a designated 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 "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. 21-198 (the "Amended and Restated Declaration Resolution"), amending and restating in its entirety Resolution No. 19-123 (the "Initial Declaration Resolution"), declaring the intent to install Underground Utility Line Facilities in the Las Olas Isles Neighborhood and imposing Underground Utility Line Assessments against property located within the Assessment Area pursuant to the Ordinance; and

WHEREAS, pursuant to the Initial Declaration Resolution, Resolution No. 19-165 adopted by the City Commission on September 12, 2019, Resolution No. 20-157 adopted by the City Commission on September 14, 2020, and Resolution No. 21-198 adopted by the City Commission on September 13, 2021, constituting the prior assessment proceedings, the City has previously imposed and collected Underground Utility Line Assessments on the Assessed Properties in the Las Olas Isles Neighborhood for Fiscal Years 2020-2022; and

WHEREAS, the Ordinance requires the adoption of a Final Assessment Resolution which shall (A) confirm, modify, or repeal the Amended and Restated Declaration Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (B) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (C) approve the initial Assessment Roll, with such amendments as it deems just and right; and (D) determine the method of collection; and

WHEREAS, this Resolution constitutes the Final Assessment Resolution for the Underground Utility Line Assessment to be imposed in connection with the Underground Utility Line Assessment Facilities for the Las Olas Isles Neighborhood, as required pursuant to the Ordinance; and

WHEREAS, the City Commission desires to impose the Underground Utility Line Assessment within the City using the tax bill collection method pursuant to the Uniform Assessment Collection Act for the Fiscal Year beginning on October 1, 2022; 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 each 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 October 21, 2021 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 all Parcels assessed derive a special benefit from the Underground Utility Line Facilities, facilities, or programs to be provided or constructed and that the Underground Utility Line Assessments are fairly and reasonably apportioned among the Parcels that receive the special benefit;

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

Amended and Restated Declaration Resolution (Resolution No. 21-198), and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION; INCORPORATION OF RECITALS. All capitalized terms not otherwise defined in this Resolution shall have the meanings assigned to such terms in the Ordinance and the Amended and Restated Declaration Resolution. The recitals contained in the “Whereas” clauses of this Resolution are incorporated herein and made a part hereof for all purposes.

SECTION 3. IMPOSITION OF UNDERGROUND UTILITY ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which Assessment is hereby approved, are hereby found to receive a special benefit from the provision of the Underground Utility Line Facilities described in the Amended and Restated Declaration Resolution, in the amount at least equal to 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 Las Olas Isles Neighborhood 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 Amended and Restated 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 Amended and Restated 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 Amended and Restated Declaration Resolution.

(B) The method for computing Underground Utility Line Assessments described or referenced in the Amended and Restated Declaration Resolution is hereby approved. The Parcel Apportionment methodology described and adopted in Section 2.04 of the Amended and Restated Declaration Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2022, the estimated Annual Assessed Cost is set forth in the Assessment Roll. The Underground Utility Line Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment methodology provided in the Amended and Restated Declaration

Resolution for the Fiscal Year commencing October 1, 2022, and for a period of not to exceed twenty-seven (27) years, are hereby established in the amount not to exceed \$2,020 per EBU. During its budget adoption process and prior to September 15th of each year, the City Commission may adopt subsequent assessment resolutions for each Fiscal Year in which Underground Utility Line Assessments will be imposed to set the rate of assessment and approve the Assessment Roll for such Fiscal Year.

(D) The maximum rate of assessment set forth in (C) above is 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, 2022.

(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 as set forth in Section 5 of this Resolution. 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 AMENDED AND RESTATED DECLARATION RESOLUTION. The Amended and Restated 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 Code of Ordinances of the City.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment 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 twenty (20) days from the date of this Final Assessment Resolution.

SECTION 7. SEVERABILITY. If any clause, section or other part of this Final Assessment 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 Final Assessment Resolution.

SECTION 8. CONFLICTS. All resolutions or parts of resolutions in conflict with this Final Assessment Resolution are hereby repealed to the extent of such conflict.

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

ADOPTED this 21st day of October, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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 Illinois


County Of Cook

Before the undersigned authority personally appeared

Charlie Welenc, 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:

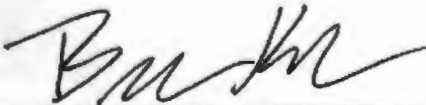
The matter of , City of Fort Lauderdale City Clerk's Office
Was published in said newspaper in the issues of; Oct 01, 2021

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 been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or 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 the said newspaper.



Signature of Affiant

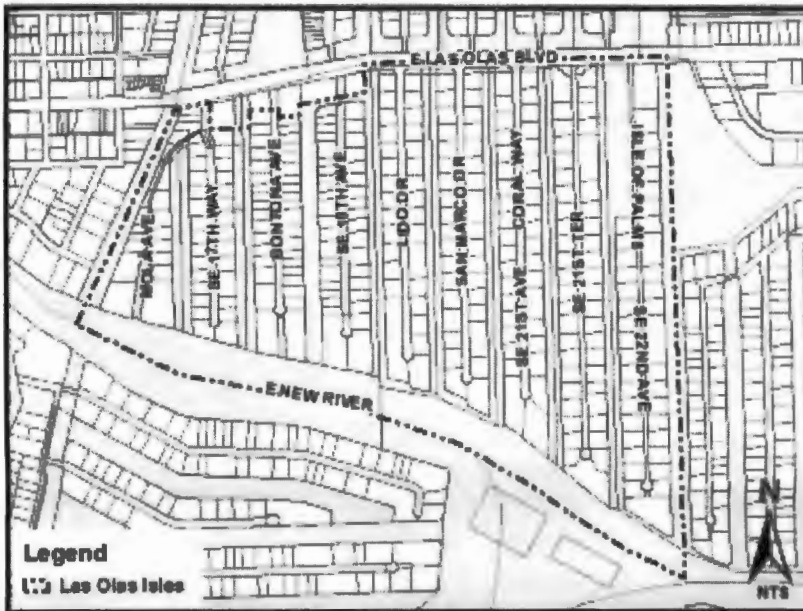
Sworn to and subscribed before me this: October 07, 2021.



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

Notice is hereby given that the City Commission of Fort Lauderdale, Florida, will conduct a public hearing to hear objections of all interested persons regarding the Underground Utility Line Assessments to be imposed within the Las Olas Isles Neighborhood, as shown above, and the adoption of the final assessment resolution imposing such non-ad valorem assessments against the property located therein and the collection of such assessments on the ad valorem tax bill. The hearing will be held at 6:00 P.M. on October 21, 2021 in the City Commission Room, City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida, and through communication media technology accessible through the City's website (www.fortlauderdale.gov). 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.

The City of Fort Lauderdale is hosting Commission Meetings in both a virtual and in-person format. Due to COVID-19, Commission Chambers seating capacity has been reduced; therefore, we are encouraging members of the public to participate virtually when possible. If any person wishes to address the City Commission virtually or in-person, the person shall sign up using the online Speaker Card prior to the meeting or sign up in the City Hall lobby using the City Clerk's iPad. The online Speaker Card can be accessed at: <https://www.fortlauderdale.gov/citycommissionmeetings>.

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 capital costs for construction of the Las Olas Isles Underground Utility Line Facilities to serve the Las Olas Isles Underground Special Assessment Area. The assessment will be divided among specially benefitted tax parcels based upon the amount of Equivalent Benefit Units or EBUs attributable to each tax parcel.

The Fiscal Year 2022-2023 assessment rate is expected to be not more than the following:

Category	Billing Unit	Cost Per Billing Unit
Single-Family Detached Residential Parcel	EBU	\$2,020

A more specific description of the assessment methodology is set forth in the Amended and Restated Declaration Resolution adopted by the City Commission on September 13, 2021. Copies of the Amended and Restated Declaration Resolution, the plans and specifications for the Las Olas Isles Underground Utility Line Facilities Project, and the assessment roll are available for inspection at the offices of the City Clerk, located at the City Hall, 100 N. Andrews Avenue, Fort Lauderdale, Florida during regular working hours, 9:00 a.m. to 5:00 p.m., Monday through Friday.

The Underground Utility Line Assessments will be collected by the Broward County Tax Collector on the ad valorem tax bill for a period of not to exceed twenty-seven (27) years, 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 Susan Grant at (954) 828-5167.

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.

CITY CLERK
OF FORT LAUDERDALE,
FLORIDA

APPENDIX B
FORM OF 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 Las Olas Isles Neighborhood within 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, 20____.

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 ____ day of _____, 20____.

CITY OF FORT LAUDERDALE, FLORIDA

By: _____
Mayor
DEAN J. TRANTALIS