

1
2 RESOLUTION NO. 55-2018 OF THE CITY OF LAKE WORTH, FLORIDA, RELATING
3 TO THE PROVISION OF STORMWATER SERVICES, FACILITIES AND PROGRAMS
4 IN THE CITY OF LAKE WORTH, FLORIDA; IMPOSING STORMWATER SERVICE
5 ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY;
6 APPROVING THE RATE OF ASSESSMENT; CONFIRMING, APPROVING AND
7 ADOPTING THE STORMWATER ASSESSMENT ROLL FOR FISCAL YEAR 2019;
8 PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE
9 UNIFORM COLLECTION METHOD AND PROVIDING AN EFFECTIVE DATE.

10
11 BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE
12 WORTH, FLORIDA, AS FOLLOWS:

13
14 SECTION 1. AUTHORITY. This Resolution of the City of Lake Worth, Florida
15 (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from
16 time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances,
17 the "Assessment Ordinance"), City Resolution No. 41-2009 (as amended and
18 supplemented from time to time, and as particularly supplemented by Resolution No. 46-
19 2009, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632,
20 Florida Statutes, and other applicable provisions of law.

21
22 SECTION 2. DEFINITIONS. This Resolution constitutes the Annual
23 Assessment Resolution as defined in the Assessment Ordinance. All capitalized terms
24 in this Resolution not otherwise defined herein shall have the meanings defined in the
25 Assessment Ordinance and the Initial Assessment Resolution.

26
27 SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as
28 follows:

29
30 (A) Pursuant to the Assessment Ordinance, the City Commission adopted the
31 Initial Assessment Resolution, which provided for the apportionment of Stormwater
32 Service Assessments to provide for the funding of Stormwater Management Services for
33 the Fiscal Year commencing October 1, 2009.

34
35 (B) The Assessment Ordinance (1) requires adoption of an Annual Assessment
36 Resolution for each Fiscal Year confirming or amending the Stormwater Assessment Roll,
37 (2) sets forth a procedure for the correction of errors and omissions, and (3) provides that
38 if the proposed Assessment for any parcel of property exceeds the amount set forth in
39 the mailed notice to affected property owners, or if an Assessment is imposed against
40 property not previously subject thereto, the Commission shall provide published and
41 mailed notice to the owner of such property and conduct a public hearing prior to adoption
42 of the Annual Assessment Resolution.

43
44 (C) The cost of providing Stormwater Management Services has not increased
45 since adoption of the Initial Assessment Resolution.

46
47 (D) In order to re-impose Stormwater Service Assessments for the Fiscal Year
48 commencing October 1, 2018, the Assessment Ordinance requires the City Commission

49 to adopt an Annual Assessment Resolution which confirms or amends the Stormwater
50 Assessment Roll.

51
52 (E) Pursuant to the Assessment Ordinance, the Annual Assessment Resolution
53 shall confirm the Assessment Roll to reflect the then applicable portion of the cost of the
54 Capital Improvements or Essential Services to be paid by assessments. As the proposed
55 assessment does not for any parcel of property exceed the maximum amount established
56 in the previous years' notices, nor is the assessment imposed against a property not
57 previously subject thereto, a public hearing is not required prior to the adoption of the
58 Annual Assessment Resolutions, pursuant to the Assessment Ordinance.

59
60 (F) The imposition of Stormwater Service Assessments for Stormwater
61 Management Services, facilities, and programs each fiscal year is an equitable and
62 efficient method of allocating and apportioning the Stormwater Management Service Cost
63 among parcels of Assessed Property.

64
65 (G) The Stormwater Management Services provided for in the Initial
66 Assessment Resolution and contemplated herein are Essential Services which possess
67 a logical relationship to the use and enjoyment of, and relieve a burden created by and
68 provide a special benefit to Improved Property by properly, safely and cost effectively
69 disposing of stormwater generated on the property.

70
71 (H) The benefits derived from the Stormwater Management Services exceed
72 the cost of the Stormwater Service Assessments imposed hereunder. The Stormwater
73 Service Assessments for any Tax Parcel within the City does not exceed the proportional
74 benefits that such Tax Parcel will receive compared to any other Tax Parcel within the
75 City.

76
77 (I) The legislative determinations of special benefit and fair apportionment
78 contained in Section 1.04 of the Initial Assessment Resolution are hereby readopted,
79 ratified and confirmed.

80
81 (J) Each parcel of Assessed Property within the City will be specially benefited
82 by the City's provision of Stormwater Management Services, facilities, and programs in
83 an amount not less than the Stormwater Service Assessment for such parcel, computed
84 in the manner set forth in the Initial Assessment Resolution.

85
86 (K) Adoption of this Annual Assessment Resolution constitutes a legislative
87 determination that all parcels assessed derive a special benefit in a manner consistent
88 with the legislative declarations, determinations and findings as set forth in the
89 Assessment Ordinance, the Initial Assessment Resolution and this Annual Assessment
90 Resolution from the Stormwater Management Services, facilities, or programs to be
91 provided and a legislative determination that the Stormwater Service Assessments are
92 fairly and reasonably apportioned among the properties that receive the special benefit.

93
94 SECTION 4. APPROVAL OF ASSESSMENT ROLL; IMPOSITION OF

95 ASSESSMENTS.

96 (A) The Stormwater Assessment Roll, on file in the Office of the City Clerk and
97 incorporated herein by this reference, is hereby approved, confirmed and adopted for
98 Fiscal Year 2019. The Solid Waste Assessment Roll shall be certified to the Tax Collector
99 by September 15, 2018, pursuant to Section 197.3632(5), Florida Statutes.

100
101 (B) The apportionment approach described in Section 3.03 of the Initial
102 Assessment Resolution is hereby ratified and confirmed as the basis for allocating the
103 Stormwater Management Service Cost for the Fiscal Year 2019 among Assessed
104 Property.

105
106 (C) A special assessment computed in the manner described in the Initial
107 Assessment Resolution is hereby levied and imposed on all Tax Parcels described in the
108 Stormwater Service Assessment Roll in order to fund the Stormwater Management
109 Service Cost for the Fiscal Year commencing October 1, 2018.

110
111 (D) Parcels of Assessed Property described in the Stormwater Assessment Roll
112 are hereby found to be specially benefited by the provision of the Stormwater Management
113 Services, facilities, and programs described or referenced in the Initial Assessment
114 Resolution based upon an assessment amount for each ERU of \$75.60.

115
116 (E) Stormwater Service Assessments shall constitute a lien upon the Assessed
117 Property so assessed equal in rank and dignity with the liens of all state, county, district or
118 municipal taxes and other non-ad valorem assessments. Except as otherwise provided
119 by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

120
121 (F) The following are Exempt Properties and not subject to the Stormwater
122 Management Service Assessment: (1) Undeveloped Property, (2) public right-of-way; and
123 (3) lakes, submerged land and other naturally occurring water bodies with pervious soil
124 bottoms; and (4) Government Property owned by the City.

125
126 SECTION 5. COLLECTION OF ASSESSMENTS. The Fiscal Year 2019
127 Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment
128 Collection Act as provided for in Section 3.05 of the Initial Assessment Resolution,
129 Section 3.01 of the Assessment Ordinance, and Section 197.3632, Florida Statutes.

130
131 SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this
132 Annual Assessment Resolution shall be the final adjudication of the issues presented
133 (including, but not limited to, the determination of special benefit and fair apportionment
134 to the Assessed Property, the method of apportionment and assessment, the rate of
135 assessment, the Assessment Roll and the levy and lien of the Stormwater Service
136 Assessments), unless proper steps shall be initiated in a court of competent jurisdiction
137 to secure relief within twenty (20) days from the date of this Annual Assessment
138 Resolution.

139
140
141 SECTION 7. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions

142 or parts thereof in conflict herewith are hereby superseded and repealed to the extent of
143 such conflict.

144
145 SECTION 8. EFFECTIVE DATE. This Annual Assessment Resolution shall
146 take effect immediately upon its adoption.

147
148
149 The passage of this resolution was moved by xxx, seconded by Commissioner
150 xxx, and upon being put to a vote, the vote was as follows:

- 151
152 Mayor Pam Triolo
153 Vice Mayor Andy Amoroso
154 Commissioner Scott Maxwell
155 Commissioner Omari Hardy
156 Commissioner Herman Robinson

157
158 The Mayor thereupon declared this resolution duly passed and adopted on the 13th
159 day of September, 2018.

160
161 LAKE WORTH CITY COMMISSION

162
163
164 By: _____
165 Pam Triolo, Mayor

166
167 ATTEST:
168
169 _____
170 Deborah M. Andrea, City Clerk