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| CITY OF OAKLAND PARK, FLORIDA

STORMWATER ASSESSMENT
ANNUAL RATE RESOLUTION
FOR
| FISCAL YEAR BEGINNING OCTOBER 1, ~~2015~~2017

| RESOLUTION R-~~2015~~2017-XXX

| ADOPTED SEPTEMBER ~~4413~~, ~~2015~~2017

TABLE OF CONTENTS

	Page
SECTION 1. AUTHORITY	3
SECTION 2. DEFINITIONS AND INTERPRETATION.....	3
SECTION 3. REIMPOSITION OF STORMWATER ASSESSMENTS.	3
SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION.	5
SECTION 5. EFFECT OF ADOPTION OF RESOLUTION.	5
SECTION 6. CONFLICT.	6
SECTION 7. SEVERABILITY.....	6
SECTION 8. EFFECTIVE DATE.....	7
 APPENDIX A: AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS	 A-1
APPENDIX B: PROOF OF PUBLICATION	B-1
APPENDIX C: FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL.....	 C-1

RESOLUTION NO. R-~~2015~~2017-____

A RESOLUTION OF THE COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ESTIMATING THE COST OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE STORMWATER UTILITY; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SERVICES PROVIDED BY THE STORMWATER UTILITY; ESTABLISHING THE METHOD OF ASSESSING THE COST OF THE UTILITY AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; APPROVING THE RATE OF ASSESSMENT, APPROVING THE STORMWATER MANAGEMENT ASSESSMENT ROLL; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Oakland Park Commission enacted Ordinance No. 0-2011-015, on July 20, 2011 the "Assessment Ordinance", to amend Chapter 12 (Stormwater) of the City Code of Ordinances, to authorize the creation of an assessment area and authorize the imposition of special assessments to fund the provision of Stormwater Services to the property located therein; and

WHEREAS, on July 20, 2011 the Commission adopted Resolution No. R-2011-090, the "Initial Assessment Resolution", which estimated the City-wide Stormwater Management Cost for FY 12 and described the method of assessing the cost of Stormwater Services against the real property that will be specially benefitted thereby, and directed preparation of the preliminary FY 12 Assessment Roll and provision of the notices required by the Assessment Ordinance; and

WHEREAS, on September 12, 2011, the Commission adopted Resolution No. R-2011-115, the "Final Assessment Resolution, which confirmed the estimated the City-wide Stormwater Management Cost for FY 12 and described the method of assessing the cost of Stormwater Services against the real property that will be specially benefitted thereby, and

WHEREAS, on July ~~22~~¹⁹, ~~2015-2017~~ the Commission adopted Resolution No. R-~~20152017-094078~~, the "Preliminary Assessment Resolution", which estimated the citywide Stormwater Management Cost for FY ~~16-18~~ and described the method of assessing the cost of Stormwater Services against the real property that will be specially benefitted thereby, and directed preparation of the preliminary FY ~~16-18~~¹⁷ Assessment Roll and provision of the notices required by the Assessment Ordinance; and

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WHEREAS, pursuant to the provisions of the Assessment Ordinance, the City is required to confirm, modify, or repeal the Initial Assessment Resolution, with such amendments as the Commission deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been filed with the office of the City Clerk and open to public inspection, as provided by the Initial Resolution; and

WHEREAS, as required by the terms of the Assessment Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard via the Broward County Property Appraiser "TRIM" notice with an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing has been duly held and comments and objections of all interested parties have been heard and considered as required by the terms of the Assessment Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. O-2011-015, (the "Assessment Ordinance"), Resolution No. R-2011-090, (the "Initial Assessment Resolution"), Resolution No. R-2011-015, (the "Final Assessment Resolution"), Resolution No. R-~~2015~~2017-094078, (the "Preliminary Assessment Resolution"), Chapters 166 and 197, Florida Statutes, and other applicable provisions of law.

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SECTION 2. DEFINITIONS AND INTERPRETATIONS This Resolution constitutes the Annual Assessment Resolution. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and Preliminary Assessment Resolution.

SECTION 3. REIMPOSITION OF STORMWATER ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby approved, are hereby found to be specially benefited by the provision of the stormwater services, facilities, and programs described or referenced in the Preliminary Rate Resolution in the amount of the Stormwater Assessment set forth in the updated 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 stormwater services, facilities, and programs in an amount not less than the Stormwater Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate 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, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution from the stormwater services, facilities, or programs to be provided and a legislative determination that the Stormwater Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(B) The method for computing Stormwater Assessments described and referenced in the Assessment Ordinance and described immediately following is hereby approved.

(1) The benefit received by each Parcel is generally proportional to the number of ERUs attributed to such parcel.

(2) The Stormwater Management Cost (assessment) per ERU shall be calculated by dividing the total estimated Stormwater Management Cost, less available Stormwater Fund unrestricted net assets to be utilized, by the total number of ERUs attributable to Parcels located within the City. The total ERUs to be used as the divisor is the total citywide ERUs, before credits, reduced by the credits assigned to properties with qualified stormwater management facilities.

(3) The Stormwater Management Cost (assessment) allocable to each Parcel shall be calculated by multiplying the Stormwater Management Cost (assessment) per ERU by the number of ERUs (adjusted for any stormwater management facility credits, as applicable) attributed to each Parcel.

(4) That portion of the Stormwater Management Cost determined to be uncollectable, due to Parcel exemptions, shall be funded through contributions

from the General Fund or other appropriate sources. This excludes the credits assigned to properties with qualified stormwater management facilities.

(C) For the Fiscal Year beginning October 1, ~~2015~~2017, the estimated Stormwater Assessed Cost to be assessed is \$~~3,490,860.24~~502,820. The Stormwater Assessment Rate per Equivalent Residential Unit (ERU) shall be \$84.

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(D) The above rate of assessment is hereby approved. Stormwater Assessments for stormwater services, facilities, and programs in the amounts set forth in the updated Assessment Roll, as herein approved, are hereby levied and reimposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, ~~2015~~2017.

(E) Interim Stormwater Assessments for the Fiscal Year commencing October 1, ~~2015-2017~~ are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein..

(F) The Stormwater Management Assessments shall be collected pursuant to the Uniform Collection Method.

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

(H) 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 Broward County Department of Revenue Collection for collection using the tax bill

collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Broward County Department of Revenue Collection, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate 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 Stormwater Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. CONFLICT. That all Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

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 7. AUTHORITY TO EXECUTE. The appropriate City officials are authorized and directed to execute the necessary documents to effectuate this Resolution.

SECTION 8. CONFLICT. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

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

PASSED AND DULY ADOPTED BY THE CITY COMMISSION OF OAKLAND PARK,
FLORIDA, this ~~14th~~ 13th day of September 2017~~6~~.

CITY OF OAKLAND PARK, FLORIDA

MAYOR ~~J. SHANK~~ J. ADORNATO III

J. ADORNATO III

T. LONERGAN

S. McCARTNEY

J. ADORNATO III LONERGAN

M. CARN

S. GUEVREKIAN

JM. SHANK SPARKS

ATTEST:

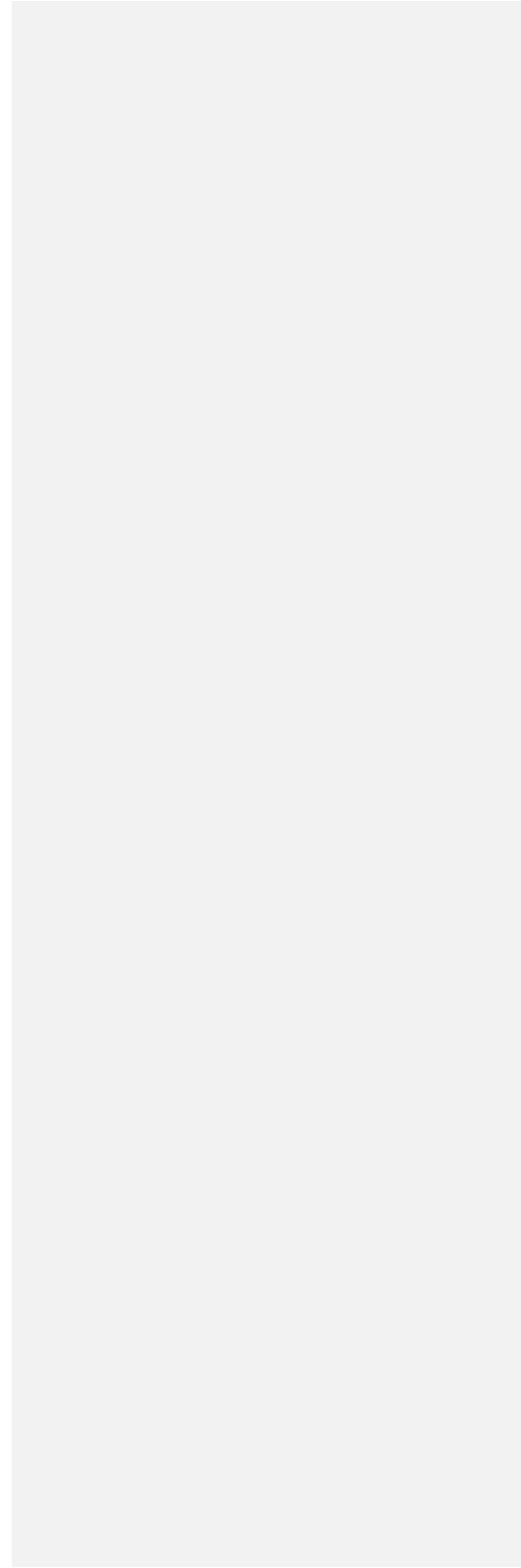
RENEE M. SHROUT, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

D. J. DOODY
CITY ATTORNEY

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS



AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared David Hebert, who, after being duly sworn, deposes and says:

1. David Hebert, as City Manager of the City of Oakland Park, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance the Stormwater Assessment Ordinance adopted by the City Commission on July 20, 2011 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the City Commission on July ~~2219,~~ ~~2015-2017~~ (the "Preliminary Rate Resolution"). The Preliminary Rate Resolution directed and authorized notice by First Class Mail only to affected owners in the event circumstances so required.

2. In accordance with the Assessment Ordinance, Mr. Hebert timely provided all necessary information for notification of the Stormwater Assessment for all Assessed Property within the City, to the Property Appraiser of Broward County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to

file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

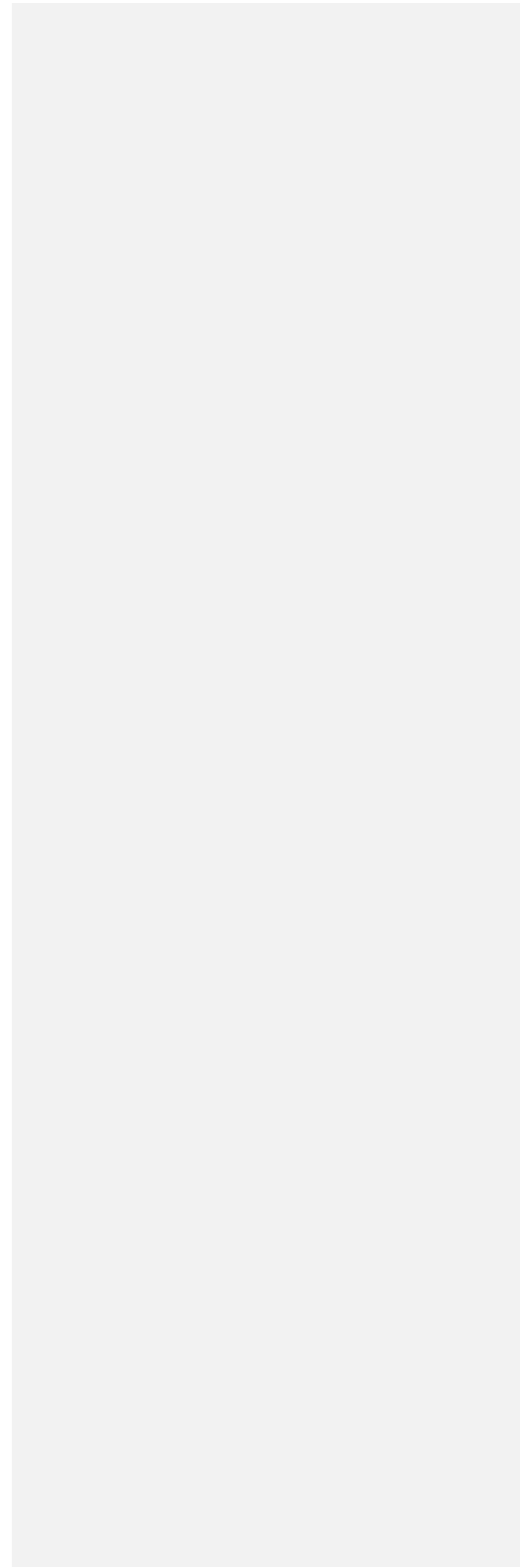
David Hebert, Affiant

STATE OF FLORIDA
COUNTY OF BROWARD COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of September, ~~2015~~ 2017 by David Hebert, City Manager, City of Oakland Park, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

APPENDIX B
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 OAKLAND PARK - STORMWATER ASSESSMENT appeared in the paper on AUGUST 20, 2017 AD ID 5109673. Affiant further says that the said Sun-Sentinel 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
AUGUST 21, 2017 A.D.

Christine Ruffolo
(Signature of Notary Public)



(Name of Notary typed, printed or stamped)

Personally Known ☒ or Produced
Identification _____



**NOTICE OF HEARING TO
IMPOSE AND PROVIDE FOR
COLLECTION OF STORMWATER
SERVICE SPECIAL ASSESSMENTS**

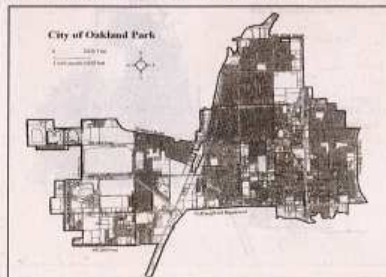
Notice is hereby given that the City Commission of the City of Oakland Park, Florida will conduct a public hearing to consider reimposing stormwater special assessment against certain improved properties located within the entire legal boundaries of the City of Oakland Park to fund the cost of stormwater services, facilities and programs provided to such properties. This public hearing will also be held to authorize the collection of such assessments on the tax bill.

The hearing will be held at 6:00 p.m. on September 13, 2017, in City Commission Chambers of City Hall, 3650 NE 12th Avenue, Oakland Park, Florida, for the purpose of receiving public comment on the proposed assessments. 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. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. 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 at (954) 630-4300, at least two days prior to the date of the hearing.

The assessments for the fiscal year beginning October 1, 2017 apply to each parcel at an annual rate of \$84 per stormwater unit (Equivalent Residential Unit (ERU)) multiplied by the number of ERUs associated with the parcel. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the City Clerk, located at 3650 NE 12th Avenue, Oakland Park, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by Section 403.0893, Florida Statutes. Failure to pay these assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

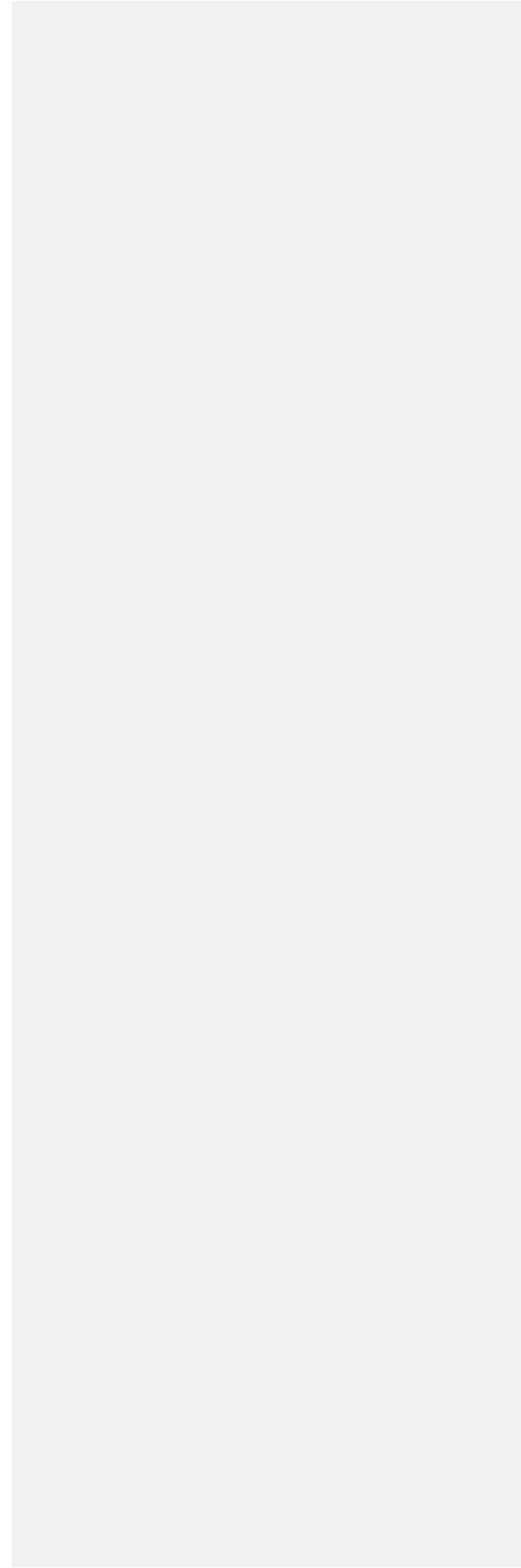
Should you have any questions, please contact the Financial Services Department at (954) 630-4252, Monday through Friday between 8:00 a.m. and 5:00 p.m.



CITY CLERK
CITY OF OAKLAND PARK, FLORIDA

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 Oakland Park, or authorized agent of the City of Oakland Park, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for stormwater services (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, ~~2015~~2017.

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 September, ~~2015~~2017.

CITY OF OAKLAND PARK, FLORIDA

By: _____
____ Mayor ~~J. Shank~~John Adornato, III

**[To be delivered to Broward County Department of
Finance and Administrative Services prior to September 15]**