

# **AGENDA**

## **KEY COLONY BEACH CITY COMMISSION**

### **PUBLIC HEARING**

#### **ADOPTION OF STORMWATER UTILITY RATES**

**Thursday, July 11, 2019 9:30 A.M.**

**City Hall Auditorium**

1. Call to Order, Roll Call
2. Review Resolution No. 2019-02 concerning Chapter 15, Stormwater Utility System, Section 15-4, Schedule of Rates
3. Correspondence
4. Public Comment
5. Resolution No 2019-02: A resolution imposing the Annual Stormwater Utilities Special Assessments for Fiscal Year commencing October 1, 2019.
6. Adjourn

Code of Ordinances, Chapter 2 Administration, Section 2-90 states "Members of the public may speak for three minutes and may only speak once. unless waived by a majority vote of the commission."

Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

RESOLUTION NO. 2019-02

A RESOLUTION OF THE CITY OF KEY COLONY BEACH, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2019; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTON OF THE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Key Colony Beach, Florida (the "City) enacted Article 1 of Chapter 15 of the Code of Ordinances, City of Key Colony Beach, Florida (the "Code"), which establishes a Stormwater Utility and authorizes the imposition of annual Stormwater Assessments for Stormwater Utility services, facilities or programs against certain Assessable Property with the City; and

WHEREAS, the imposition of a Stormwater Utility Service Assessment for Stormwater collection and treatment services, facilities and programs is an equitable and efficient method of allocating and apportioning Stormwater Costs among parcels of Assessable Property located in the City; and

WHEREAS, a Stormwater Utility Service Assessment was initially imposed upon all property within the City commencing October 1, 2011, which rate was established in Chapter 15, Section 15-4 of the Code, and

WHEREAS, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2019-2020, and the Assessable Property in the City will be subject to the previously established amount for the Stormwater Utility; and

WHEREAS, as required by Code the Assessment Roll has been filed with office of the City Administrator, and a notice of public hearing has been published; the proof of publication being attached hereto as Exhibit "A".

NOW THEREFORE, BE IT RESOLED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH FLORIDA, AS FOLLOWS:

**Section 1.** This Resolution is adopted pursuant to the Code, Sections 166-021 and 166.041, Florida Statutes, and other applicable provisions of law.

**Section 2.** This Resolution is the Initial Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code.

**Section 3. (A)** It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less that the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in Code.

**(B)** The method of computing and apportioning the Stormwater Utility Assessment described in the Code is hereby approved.

**(C)** For Fiscal Year 2019-2020 the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Residential or Commercial. The service assessment imposed shall be the rate of \$65.00 per residential unit or residential vacant lot or \$130.00 per commercial parcel.

**Section 4.** The Stormwater Assessment Roll currently on file in the office of the City Administrator and incorporated herein by reference is hereby approved.

**Section 5. (A)** The Stormwater Utility Service Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, counties, 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. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

**(B)** As to any Property that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed property 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. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Assessment.

**Section 6.** If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 7.** This resolution shall take effective immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA THIS 11 DAY OF July, 2019.**

**THE CITY OF KEY COLONY BEACH, FLORIDA**

**Approved as to form and legality for  
The use and reliance of the City of Key  
Colony Beach**

\_\_\_\_\_  
**John DeNeale, Mayor**

\_\_\_\_\_  
**Thomas Wright, City Attorney**



Published Weekly  
Marathon, Monroe County, Florida

**PROOF OF PUBLICATION**

**STATE OF FLORIDA  
COUNTY OF MONROE**

Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

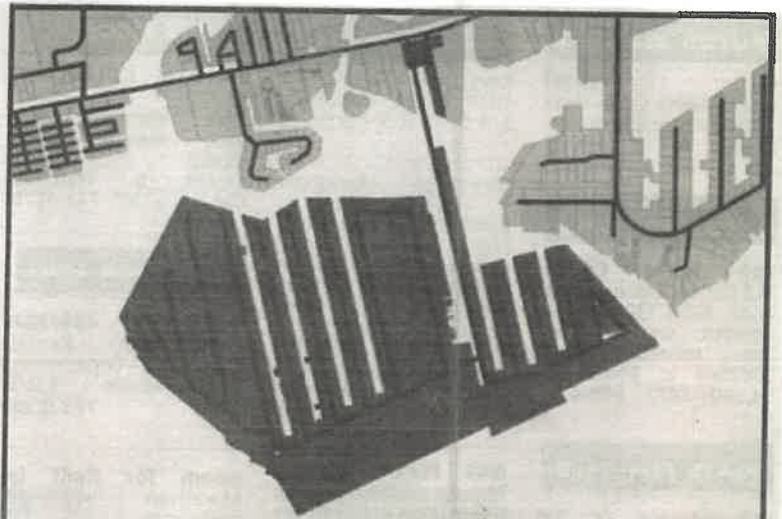
June 20, 2019

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he 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(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 20 day of June, 2019.

(SEAL)  
*Charlotte Hruska*

Notary CHARLOTTE HRUSKA  
MY COMMISSION # GG 221835  
EXPIRES: September 1, 2022  
Bonded Thru Notary Public Underwriters



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

Notice is hereby given that the City Commission of Key Colony Beach, Florida, will conduct a public hearing to consider imposing stormwater service assessments for the Fiscal Year beginning October 1, 2019, against properties located within the incorporated area of the City, to fund the cost of stormwater management services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 9:30 a.m. on July 11, 2019 at the City Hall Auditorium, 600 West Ocean Drive, Key Colony Beach, FL 33051 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 calendar days of the date 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. It is the policy of the City of Key Colony Beach to comply with all requirements of the Americans with Disabilities Act (ADA). Persons who need accommodations in order to attend or participate in this meeting should contact the City Clerk at 305-289-1212, option 2, at least 48 hours prior to this meeting in order to request such assistance.

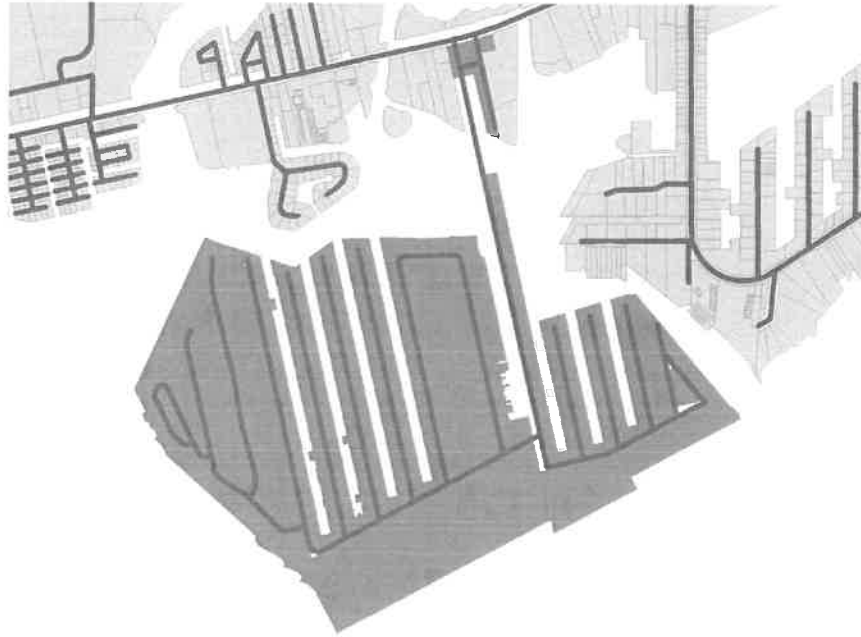
The Stormwater Service Assessments are proposed to fund the City's cost to provide Stormwater Management Services in the area shown above. The Stormwater Service Assessments are imposed upon each lot and parcel within the City for services and facilities provided by the stormwater management utility. For purposes of imposing the Stormwater Service Assessment, all lots and parcels within the City are classified into the following two customer classes: (1) Residential, which includes vacant properties zoned residential and (2) Commercial, which includes governmental, hotels and other.

The Stormwater Service Assessment imposed shall be the rate of sixty-five dollars (\$65.00) per residential unit or residential vacant lot or one hundred thirty dollars (\$130.00) per commercial parcel. The total annual stormwater assessment revenue to be collected within the City of Key Colony Beach for the upcoming fiscal year is estimated to be \$101,335.

The Monroe County Lar  
Regional Service Center  
Florida on June 28, 2019  
www.monroecounty-fl.gov  
ADA ASSISTANCE #  
accommodations in orde  
County Administrator's O  
a.m. - 5:00 p.m., no later  
if you are hearing or voice

**HOBBIES/COLLECT**  
THAN TWO WEEKS!  
HIRE IN LESS  
Ave. in Marathon:  
1350 Ocean View  
Marathon Diesel Repair  
Resume at our office:  
Please drop off your  
with a certification:  
experiences, preferably  
must have 10 years

for appointment 305-  
289-1554  
Experienced Diesel  
Technician wanted. Tools  
and experience is a  
must. Electronic engine  
diagnostic experience  
preferred. Opportunity  
for growth and training  
available for qualified  
applicants.  
Florida



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Copies of the ordinance and other legal documentation for the assessment program are available for inspection at the City Clerk's office, located at City Hall - 600 West Ocean Drive, Key Colony Beach, FL 33051.

If you have any questions, please contact the City at 305-289-1212, Monday through Friday between 9:00 a.m. and 4:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2019, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

**CITY COMMISSION OF KEY COLONY BEACH, FLORIDA**