

RESOLUTION NO. 2021-09

A RESOLUTION OF THE CITY OF KEY COLONY BEACH, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2021; 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, 2021, 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 2021-2022, 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 2021-2022, 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.

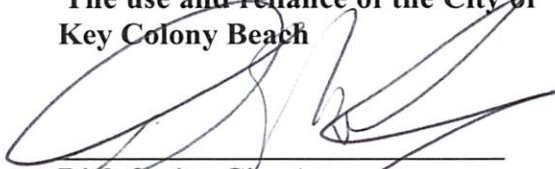
Section 7. This resolution shall take effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA THIS 22nd DAY OF July, 2021.

**THE CITY OF KEY COLONY BEACH, FLORIDA
and legality for**



Ron Sutton, Mayor

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


Dirk Smits, City Attorney