

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2014-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2014-2015; IMPOSING A RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida, enacted Ordinance No. 2008-05, on July 1, 2008, which authorized the imposition of a Residential Solid Waste Collection Assessment, pursuant to the procedures contained within the Town's Code of Ordinances (collectively, "the Ordinance") for the provision of Solid Waste Collection Services for single-family residential properties that receive residential solid waste collection services within the Town, and provided for findings of special benefit and the method of apportionment of the Residential Solid Waste Collection Assessment; and

WHEREAS, the imposition of a Solid Waste Collection Assessment for Solid Waste Collection Services for each Fiscal Year is an equitable and efficient method of allocating and apportioning Residential Solid Waste Collection Assessed Costs among parcels of Assessed Property; and,

WHEREAS, the Town Council desires to impose a Residential Solid Waste Collection Assessment within the Town for the Fiscal Year beginning on October 1, 2014 using the tax bill collection method; and

WHEREAS, the Town Council, on July 18, 2014, adopted Resolution No. 2014-06 (the "2014 Preliminary Assessment Resolution"), referencing the Residential Solid Waste Collection Services to be provided to Assessed Property, describing the method of apportioning the Residential Solid Waste Collection Assessed Cost to compute the Residential Solid Waste Collection Assessment for Solid Waste Collection Services against Assessed Property, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice to the affected landowners; and

WHEREAS, in order to impose the Residential Solid Waste Collection Special Assessment for the Fiscal Year beginning October 1, 2014, the Ordinance requires the Town Council to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of public hearing has been provided as required by the Ordinance, as evidenced by the Affidavit of Mailing, attached hereto as Exhibit "A", and the proof of publication attached hereto as Exhibit "B"; and

WHEREAS, a public hearing was held on September 11, 2014, and comments and objections of all interested parties have been heard and considered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

SECTION 1. The aforementioned “WHEREAS” clauses are hereby ratified as true and correct and incorporated herein.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, the 2014 Preliminary Assessment Resolution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the 2014 Preliminary Assessment Resolution.

SECTION 4. IMPOSITION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT.

(A) The parcels of Assessed Property described in the Assessment Roll, as updated and which is hereby approved, are hereby found to be specially benefitted by the provision of the Solid Waste Collection Services described in the 2014 Preliminary Assessment Resolution, in the amount of the Residential Solid Waste Collection 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 Town will be specifically benefitted by the Town's provision of Residential Solid Waste Collection, facilities and programs in an amount not less than the Residential Solid Waste Collection Assessment of such parcel, computed in the manner set forth in the 2014 Preliminary Assessment Resolution. Adoption of this Annual

Assessment Resolution constitutes a legislative determination that all assessed parcels derive a special benefit, as set forth in the Ordinance and the 2014 Preliminary Assessment Resolution, from the Residential Solid Waste Collection Services to be provided, and a legislative determination that the Residential Solid Waste Collection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the 2014 Preliminary Assessment Resolution.

(B) The method of computing the Residential Solid Waste Collection Assessment described in the 2014 Preliminary Assessment Resolution, as modified, amended, and supplemented herein, is hereby approved.

(C) For the Fiscal Year beginning October 1, 2014, the estimated Residential Solid Waste Collection Assessed Cost to be assessed is ~~\$432,190~~ ^{\$431,845.50 WNY}. The Residential Solid Waste Collection Assessment to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Residential Solid Waste Collection Assessed Costs for the 2014-2015 Fiscal Year, commencing October 1, 2014, is hereby established at \$344.10 annually, per dwelling unit. This assessment rate is hereby approved. It is hereby determined that the assessed properties will receive a benefit from solid waste collection services in an amount not less than the amount they are assessed. Except as otherwise provided herein, the Residential Solid Waste Collection Assessment for Residential Solid Waste Collection Services in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll.

(D) The Residential Solid Waste Collection Assessment 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 Assessment. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid.

(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 using the tax bill collection method in the manner prescribed by the Ordinance.

SECTION 5. CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION. The Preliminary Assessment Resolution adopted July 18, 2014, except where in conflict herein, is confirmed.

SECTION 6. EFFECT ON ADOPTION OF RESOLUTION. The adoption of this Annual 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 Residential Solid Waste Collection Assessment), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 calendar days from the date of this Annual Assessment Resolution.

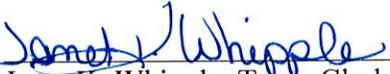
SECTION 7. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

SECTION 8. CONFLICTS. That all prior Resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

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

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida, this 11th day of September, 2014.

ATTEST:


Janet K. Whipple, Town Clerk

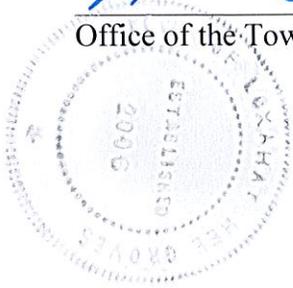
TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Absent
Mayor David Browning

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney



Absent
Vice-Mayor Ron Jarriel


Council Member Tom Goltzene


Council Member Ryan Liang


Council Member Jim Rockett

EXHIBIT "A"
AFFIDAVIT OF MAILING



Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • (561) 793-2418 Phone •
(561) 793-2420 Fax • www.loxahatcheegrovesfl.gov

August 11, 2014

Owner Name
Address
City, State Zip

RE: Tax Parcel # _____

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR RESIDENTIAL SOLID WASTE COLLECTION
SERVICES - NON-AD VALOREM ASSESSMENTS**

Dear Property Owner:

As required by Section 197.3632, Florida Statutes, and Town Ordinance No. 2008-05, notice is given by the Town of Loxahatchee Groves that an annual assessment for residential solid waste collection services using the tax bill collection method may be levied on your property for the fiscal year October 1, 2014 - September 30, 2015.

The purpose of this assessment is to fund residential solid waste collection services benefiting residential property located within the Town of Loxahatchee Groves. The total annual residential solid waste collection services assessment revenue to be collected within the Town of Loxahatchee Groves is estimated to be \$432,887.80. The annual residential solid waste collection services assessment is based on the number of residential dwellings on each parcel of residential property and the number of billing units thereon. Each billing unit is assessed \$344.10. The above parcel has 1 billing units. The maximum annual residential solid waste collection services assessment for the above parcel for Fiscal Year 2013-14 and future fiscal years is \$344.10 per year.

A public hearing will be held at 7:00 p.m. on September 11, 2014, in the Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Loxahatchee Groves, Florida 33470, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you 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 Town Clerk's office at (561) 793-2418, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

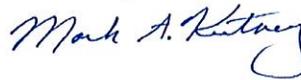
Copies of the Residential Solid Waste Collection Services Assessment Ordinance, the Preliminary Assessment Resolution, and the preliminary assessment roll are available for inspection at the Town Management Office, 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, FL 33470.

Pursuant to Chapter 92-264, Laws of Florida, as amended by Chapter 2003-348, Laws of Florida, a special act relating to the County, notice of the residential solid waste collection services assessment imposed by the Town shall also be included by the Property Appraiser as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

Both the residential solid waste collection services non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November. 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 there is a mistake on this notice, it will be corrected. If you have any questions regarding your residential solid waste collection services assessment, please contact the Town Manager at (561) 793-2418, Monday through Friday between 9:00 a.m. and 4:00 p.m.

Sincerely,



Mark A. Kutney
Town Manager

***** THIS IS NOT A BILL *****



Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 • Loxahatchee Groves, Florida 33470 • (561) 793-2418 Phone •
(561) 793-2420 Fax • www.loxahatcheegrovesfl.gov

August 11, 2014

Owner Name
Address
City, State Zip

RE: Tax Parcel # _____

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A public hearing will be held at 7:00 p.m. on September 11, 2014, in the Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Loxahatchee Groves, Florida 33470, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you 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

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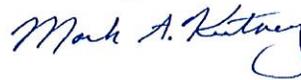
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Both the residential solid waste collection services non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your residential solid waste collection services assessment, please contact the Town Manager at (561) 793-2418, Monday through Friday between 9:00 a.m. and 4:00 p.m.

Sincerely,



Mark A. Kutney
Town Manager

* * * * * **THIS IS NOT A BILL** * * * * *



Town of Loxahatchee Groves

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(561) 793-2420 Fax • www.loxahatcheegrovesfl.gov

August 11, 2014

Owner Name
Address
City, State Zip

RE: Tax Parcel # _____

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A public hearing will be held at 7:00 p.m. on September 11, 2014, in the Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Loxahatchee Groves, Florida 33470, for the purpose of receiving public comment on the proposed assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you 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

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Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

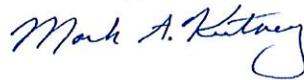
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If there is a mistake on this notice, it will be corrected. If you have any questions regarding your residential solid waste collection services assessment, please contact the Town Manager at (561) 793-2418, Monday through Friday between 9:00 a.m. and 4:00 p.m.

Sincerely,



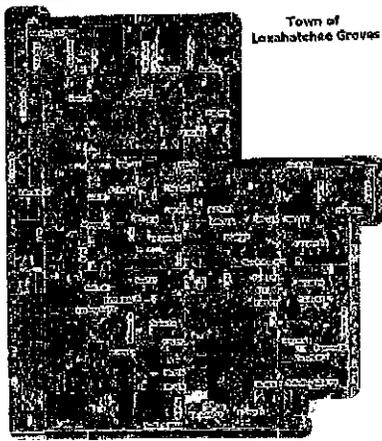
Mark A. Kutney
Town Manager

***** THIS IS NOT A BILL *****

EXHIBIT "B"
PROOF OF PUBLICATION

RECEIPT

Town of
Loxahatchee Groves



**NOTICE OF HEARING TO
IMPOSE AND
PROVIDE FOR COLLECTION
OF SOLID WASTE
COLLECTION SERVICES
SPECIAL ASSESSMENTS**

Notice is hereby given that the Town Council of the Town of Loxahatchee Groves will conduct a public hearing to consider imposing Solid Waste Collection Services Special Assessments upon residential dwellings that receive residential solid waste collection services, for the Solid Waste Collection Services provided by the Town to such properties within the Town of Loxahatchee Groves.

The hearing will be held at 7:00 p.m., on September 11, 2014, at Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Town of Loxahatchee Groves, 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 Town Council within 20 days of this notice. If a person desires to appeal any decision made by the Town Council 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 Town Clerk's Office at (561) 793-2418, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of dwelling units attributed to that parcel. The proposed Solid Waste Collection Services Assessment is as follows:

**RESIDENTIAL DWELLING UNITS FOR FISCAL YEAR 2014-2015:
\$344.10 PER UNIT**

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the Town Clerk's Office, 14579 Southam Blvd, Suite #2, Loxahatchee Groves, Florida 33470.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2014, 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.

If you have any questions, please contact the Town Clerk at (561) 793-2418, Monday through Friday between 8:00 a.m. and 5:00 p.m.

TOWN CLERK TOWN OF LOXAHATCHEE GROVES.
Publish: August 20, 2014

RECEIPT

Ad shown is not actual print size.

RECEIPT

Account: G792
Name: TOWN OF LOXAHATCHEE GROVES
Address: 14579 SOUTHERN BLVD
STE 2
LOXAHATCHEE FL 33470-9226

Phone: 561-793-2418
E-mail:

Order Name: NOTICE OF HEARING
Order Id: 287135
Original Order Id:
Copy Line: NOTICE OF HEARING TO IMPOSE
Sales Rep: PB116 R Hindmarch (P)
Purchase Order: NOTICE OF HEARING TO IMPOSE
Pay Type: Billed
Account Group:
Caller: JANET WHIPPLE

Section: LEGL Legal Display Ads
Reply Request:
Tear Sheets:

Order Summary

Base:	\$700.00
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$700.00

Payment Summary

No payment information available.