

RESOLUTION 21-Rxx

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, RELATING TO RESIDENTIAL STREET LIGHTING WITHIN THE RESIDENTIAL STREET LIGHTING ASSESSMENT AREAS IN PORT ST. LUCIE, FLORIDA; RE-IMPOSING RESIDENTIAL STREET LIGHTING ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN PORT ST. LUCIE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Port St. Lucie, Florida (the "City") enacted Ordinance No. 09-64 (the "Ordinance") codified in the City Code as Chapter 161 on August 10, 2009, creating Residential Street Lighting Assessment Areas within the City for the purpose of providing for residential street lighting from revenues collected by special assessments within such benefitted areas and authorizing the Council to adopt an annual rate resolution establishing the rate at which a special street lighting assessment for a specific fiscal year will be computed; and

WHEREAS, the imposition of a Residential Street Lighting Assessment for residential street lighting services, facilities or programs for each fiscal year is an equitable and efficient method of allocating and apportioning the Residential Street Lighting Cost among parcels of assessed property; and

WHEREAS, the Council desires to continue the assessment program for residential street lighting services, facilities or programs within the Residential Street Lighting Assessment Areas using the uniform method of collection for the fiscal year beginning on October 1, 2021; and

WHEREAS, the City Council adopted Resolution 21-R89 on July 26, 2021 (the "Preliminary Rate Resolution") which initiates the annual process for updating the Assessment Roll, containing a brief and general description of the residential street lighting services, facilities or programs to be provided to assessed property; describing the method of apportioning the Residential Street Lighting Cost to compute the Residential Street Lighting Assessment for residential street lighting services, facilities or programs against certain residential lots ("Residential Street Lighting Services");

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designating a rate of assessment and directing the preparation of the Assessment Roll and providing the notice required by the Ordinance; and

WHEREAS, notice was provided by first class mail to the owners of assessed property who were not included on the assessment roll for the prior fiscal year(s); and

WHEREAS, notice of the public hearing to re-impose and provide for collection of residential street lighting services assessments was published on August 2nd, 2021 in a newspaper of general circulation within the City; and

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

WHEREAS, a public hearing was held on August 23, 2021, and comments and objections of all interested persons have been heard and considered as required by the Ordinance pursuant to Chapter 161 of the City's Code of Ordinances, Council desires to adopt an annual rate resolution for the fiscal year beginning October 1, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

Section 1. RECITALS. The recitals are hereby incorporated as forming the intent and purpose of this Resolution.

Section 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, Chapters 166, 170 and 197, Florida Statutes, and the Preliminary Rate Resolution and other applicable provisions of law and constitutes the Annual Rate Resolution as defined in the Ordinance.

Section 3. DEFINITIONS AND INTERPRETATION. All terms in this Resolution shall have the meanings defined in the Ordinance and the Preliminary Rate Resolution.

Section 4. ESTABLISHMENT OF ASSESSMENT RATE. For the fiscal year beginning October 1, 2021, the assessment rate is \$26.00 for each residential lot. The estimated total revenue the City will collect from the Assessments is \$481,347.

Section 5. ADOPTION OF FINAL ASSESSMENT RESOLUTION. The Council heard at a public hearing held on August 23, 2021 any and all written objections of interested persons and hereby adopts the final assessment resolution which confirms the initial assessment resolution with such amendments (if any) deemed appropriate by the Council.

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Section 6. APPROVAL OF THE ASSESSMENT ROLL.

(A) The Assessment Roll was prepared in accordance with the method of apportionment set forth in the initial assessment resolution, with modifications, if any, for the upcoming fiscal year and is hereby approved and attached as Exhibit "A" to this resolution. An affidavit of mailing regarding the form of notice mailed to each owner of residential improved property affected is attached hereto as Exhibit "B" and the proof of publication is attached hereto as Exhibit "C".

(B) The Preliminary Rate Resolution and the Assessment Roll are hereby provided and confirmed in conformity with Ordinance.

Section 7. REIMPOSITION OF RESIDENTIAL STREET LIGHTING ASSESSMENTS.

(A) The parcels of assessed property described in the Assessment Roll are hereby found to be specially benefited by the provision of Residential Street Lighting Services in the amount of the Residential Street Lighting Assessment set forth in the Assessment Roll. It is hereby ascertained, determined and declared that each parcel of assessed property within the Residential Street Lighting Assessment Areas will be benefited by the City's provision of Residential Street Lighting Services in an amount not less than the Residential Street Lighting Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. The adoption of this Annual Rate Resolution constitutes a determination that all parcels assessed derive a special benefit, as set forth in the Ordinance, from the Residential Street Lighting Services, and also a determination that the Residential Street lighting Assessments are fairly and reasonably apportioned among the parcels that receive the special benefit.

(B) The method for computing Residential Street Lighting Assessments described herein is hereby approved.

(C) Such Residential Street Lighting Assessments shall constitute a lien upon the assessed property and, to the extent permitted by Florida law, shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes

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and other non-ad valorem assessments. Further, and only to the extent permitted by Florida law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

Section 8. EFFECT OF ADOPTION OF RESOLUTION.

The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Assessment Roll and the levy and lien of the Residential Street Lighting Assessments for Residential Street Lighting Services) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

Section 9. CONFLICT. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 10. SEVERABILITY. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 11. EFFECTIVE DATE. This Rate Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PORT
ST. LUCIE, FLORIDA, THIS ___ DAY OF _____ 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
SHANNON MARTIN, Vice Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney