

RESOLUTION 23-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; ESTABLISHING THE ASSESSMENT RATE FOR RESIDENTIAL STREET LIGHTING SERVICES AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; 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, codified in the City Code as Chapter 161, the Residential Street Lighting Assessment Areas Ordinance (the “Ordinance”), which authorizes the annual re-imposition of residential street lighting assessments (the “Assessments”) for residential street lighting services against certain assessed property within Residential Street Lighting Assessment Areas located in the City; and

WHEREAS, the imposition of the Assessments for residential street lighting services, facilities or programs for each fiscal year is an equitable and efficient method of allocating and apportioning residential street lighting costs among parcels of assessed property; and

WHEREAS, the Council desires to collect the annual Assessments within the City using the uniform tax bill collection method under the Uniform Assessment Collection Act for the fiscal year beginning October 1, 2023.

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

Section 1. RATIFICATION OF RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part 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 other applicable provisions of law.

Section 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance, which initiates the annual process for updating the Assessment Roll and directs the re-imposition of the Assessments for the fiscal year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the

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meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

Section 4. PROVISION AND FUNDING OF RESIDENTIAL STREET LIGHTING SERVICES.

(A) Upon the imposition of the Assessments for residential street lighting services against assessed property located in the Residential Street Lighting Assessment Areas in the City, the City shall provide residential street lighting services to such assessed property.

(B) It is hereby ascertained, determined, and declared that each parcel of assessed property will be benefitted by the City's provision of residential street lighting services, facilities or programs in an amount not less than the Assessments imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

Section 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance are affirmed and incorporated herein by reference. It is hereby ascertained, determined, and declared that the method of determining the Assessments for residential street lighting services, facilities or programs set forth in this Resolution is a fair and reasonable method of apportioning the Residential Street Lighting Cost among the parcels of Assessed Property, and consistent with Florida law.

Section 6. DESCRIPTION OF RESIDENTIAL STREET LIGHTING SERVICES, FACILITIES, OR PROGRAMS TO BE PROVIDED. The services, facilities, or programs to be provided are streetlighting structures and services to residential properties within the City's streetlighting boundaries.

Section 7. RESIDENTIAL STREET LIGHTING COST TO BE ASSESSED. For the fiscal year beginning October 1, 2023, the Residential Street Lighting Cost to be assessed is estimated to be \$492,137.62.

Section 8. ESTABLISHMENT OF ESTIMATED ANNUAL RESIDENTIAL STREET LIGHTING SERVICE ASSESSMENT RATE. For the fiscal year beginning October 1, 2023, for which the Assessments for residential street lighting services are to be re-imposed, the Residential Street Lighting Cost shall be allocated among all parcels of assessed property, based upon the number of platted residential lots on each parcel. A rate of assessment equal to \$26.00 for each platted residential lot for residential street lighting service is hereby established and approved for

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the 2023-2024 fiscal year. The estimated total revenue the City will collect from the Assessments is \$492,137.62.

Section 9. AUTHORIZATION OF PUBLIC HEARING. A public hearing shall be held during a regular City Council Meeting, Monday ,September 11th, 2023, at 6:30 p.m. in Council Chambers at City Hall, Building A, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984 for the purpose of (a) receiving and considering comments on the Assessments from affected property owners and the public; (b) considering the adoption of the annual rate resolution for the upcoming fiscal year; and (c) authorizing the re-imposition of the Assessments for residential street lighting services, facilities or programs for the fiscal year beginning October 1, 2023, and collecting such assessments on the same bill as ad valorem taxes.

Section 10. DIRECTION TO CITY MANAGER.

(A) The City Manager or his designee is hereby authorized and directed to prepare or cause to be prepared, an updated Assessment Roll for the fiscal year beginning October 1, 2023, in the manner provided in the Ordinance. Such updated Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the City conforming to the description on the Tax Roll; (2) the name and address of each owner of record for each parcel as shown on the Tax Roll; and (3) the amount of the Assessment attributable to each platted residential lot for residential street lighting services. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained in the office of the City Clerk of the City and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal available to the public. The Assessment for each parcel of Assessed Property shall be computed by multiplying the assessment rate by the number of platted residential lots on such parcel. The City Manager or his designee is directed and authorized to provide any supplemental or additional notice deemed proper, necessary, or convenient by the City.

(B) The City Manager is hereby directed to prepare the initial assessment roll as required by subsection 161.05(c)(1) of the Ordinance, publish the notice required by subsection 161.05(d)(1) of the Ordinance, and mail the notice required by subsection 161.05(e) of the Ordinance using information available from the tax roll.

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(C) The City Manager or his designee is hereby authorized and directed to publish a notice, as required by Section 161.05(D) of the Ordinance, in substantially the form attached hereto as Appendix “A”. Such notice shall be published not later than August 21st, 2023 in a newspaper of general circulation within the City.

(D) The City Manager or his designee is hereby authorized and directed to provide notice by first class mail to affected owners of each parcel of Assessed Property in the event circumstances described in subsection 161.05(H)(6) of the Ordinance occur. Such notice shall be in substantially the form attached hereto as Appendix “B” and shall be mailed not later than August 21st, 2023.

Section 11. CONFLICT. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 12. 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 13. EFFECTIVE DATE. This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THIS ___ DAY OF _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE:

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
James D. Stokes, City Attorney

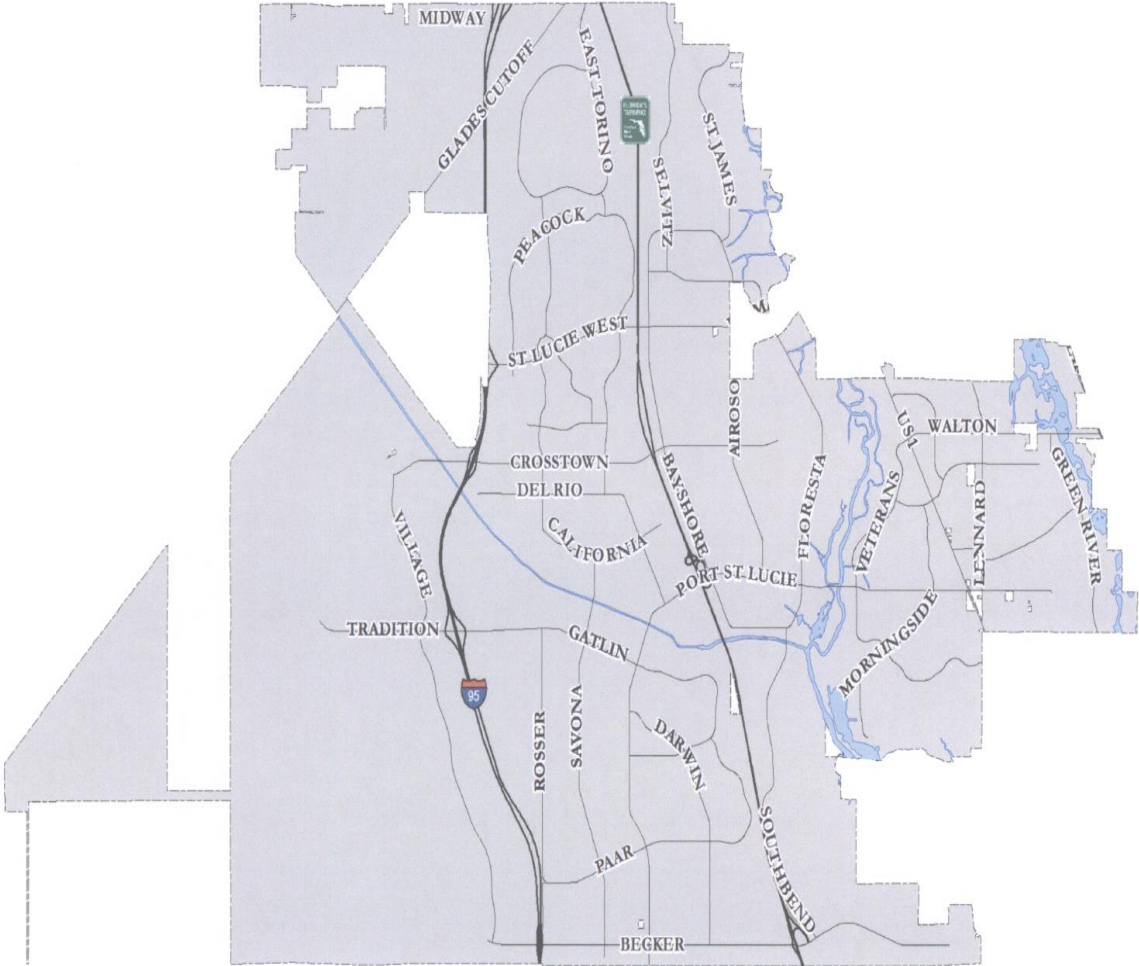
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APPENDIX A
FORM OF NOTICE TO BE PUBLISHED

CITY COUNCIL OF
CITY OF PORT ST. LUCIE, FLORIDA

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Area to be assessed:



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APPENDIX B

FORM OF NOTICES TO BE MAILED

CITY OF PORT ST. LUCIE

