

RESOLUTION NO. 2002-75

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING SOLID WASTE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SOUTHWEST RANCHES; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, has enacted Ordinance No. 2002-08 (the "Ordinance"), which authorizes the imposition of Solid Waste Assessments for solid waste services, facilities, and programs against Assessed Property located within the Town; and

WHEREAS, the imposition of a Solid waste Assessment for solid waste services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Solid Waste Assessed Costs among parcels of Assessed Property; and

WHEREAS, the Town Council desires to initiate a solid waste assessment program within the Town using the tax bill collection method under the Uniform Assessment Collection Act for the fiscal year beginning on October 1, 2001; and

WHEREAS, the Town Council on July 11, 2002, adopted Resolution No. 2002-59 (the "Initial Assessment Resolution") containing and referencing a brief and general description of the solid waste services to be provided to Assessed Property, describing the method of apportioning the Solid Waste Assessed Cost to compute the Solid Waste Assessment for solid waste services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the Town is required to confirm or repeal the Initial Assessment Resolution, 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 a public hearing has been published and mailed as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an example of the TRIM notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 13, 2002, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2002-08, Resolution No. 2002-59 (the "Initial Assessment Resolution"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2: DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in such Ordinance and the Initial Assessment Resolution.

Section 3: IMPOSITION OF SOLID WASTE ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the solid waste services, facilities, and programs described or referenced in the Initial Assessment Resolution, in the amount of the Solid Waste 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 specially benefited by the Town's provision of solid waste services, facilities, and programs in an amount not less than the Solid Waste Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance and the Initial Assessment Resolution, from the solid waste services, facilities, or programs to be provided and a legislative determination that the Solid Waste Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method of computing Solid Waste Assessments described or referenced in the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2002, the estimated Solid Waste Assessed Costs to be assessed is \$581,217, inclusive of the franchise fees imposed by the Town via the approved franchise ordinance. The Solid Waste Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Solid Waste Assessed Cost for the Fiscal Year commencing October 1, 2002, are hereby established as follows:

PROPERTY CATEGORY	USE	BILLING UNIT TYPE	FY 2002-03
RESIDENTIAL, family	Single-	Rate Per Dwelling Unit	\$ 273

The above rate of assessment is hereby approved. Solid Waste Assessments for solid waste services, facilities and programs 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 such Assessment Roll for the Fiscal Year beginning October 1, 2002.

(D) As provided in Appendix B "Apportionment Methodology" of the Initial Assessment Resolution, the cost apportionment and general methodology used to determine the assessment rate is hereby confirmed and approved.

(E) Solid Waste Assessments 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 assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(F) 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. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

Section 4: CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.

The Initial Assessment Resolution and rate contained therein as adopted on July 10, 2002 is hereby confirmed.

Section 5: EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final 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 Solid Waste Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of this Final Assessment Resolution.

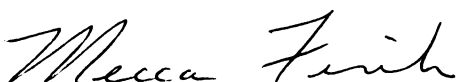
Section 6: CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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: EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida this 13th day of September 2002.



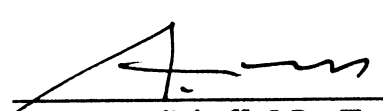
Mecca Fink, Mayor

Attest:



Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

APPENDIX A

EXAMPLE OF TRIM NOTICE MAILED TO PROPERTY OWNERS

APPENDIX B

PROOF OF PUBLICATION

SUN-SENTINEL
Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida

PLEASE COPY LEGAL NOTICE HERE

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH

Before me undersigned authority personally appeared [Signature]
who on oath says that he is Michael Depina of the Sun-Sentinel, daily newspaper published
in Broward/Palm Beach County, Florida, that the attached copy of advertisement,
being, Stewart v. Stewart,
in the matter of August 2002 issue

in the 9 Court
was published in said newspaper in the issues of August 23, 2002

Affiant further says that the said Sun-Sentinel is a newspaper published in
said Broward/Palm Beach County, Florida, and that the said newspaper has
heretofore been continuously published in said Broward/Palm Beach County,
Florida, each day, and have been entered as second class matter at the post
office in Fort Lauderdale, in said Broward County, Florida, for a period of
one year next preceding the first publication of the attached copy of
advertisement, and affiant 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 said newspaper.

Sworn to and subscribed before me this 23 day of August, 2002

[Signature]
(Signature of Notary Public)

(Name of Notary typed, printed or stamped)
Personally Known _____ or Produced Identification _____
Tara L. Bezak
Notary Public
My Commission # DD024919 Expires
July 20, 2005
NOTARY PUBLIC STATE OF FLORIDA INSURANCE INC.

APPENDIX C

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the Town Administrator, or authorized agent of the Town of Southwest Ranches, Florida (the "Town"); as such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste services (the "Non- Ad Valorem Assessment Roll") for the Town is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Tax Collector on or around September 15, 2002 as prescribed by law.

IN WITNESS WHEREOF, I have subscribed this Certificate and directed the same to be delivered to the Broward County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this 13th day of September, 2002.

TOWN OF SOUTHWEST RANCHES, FLORIDA

By: 
John Canada
Town Administrator

[to be delivered to Tax Collector no later than September 16]

APPENDIX C
CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Town Administrator, or authorized agent of the Town of Southwest Ranches, Florida (the "Town"); as such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non- Ad Valorem Assessment Roll") for the Town is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Broward County Tax Collector on or around September 15, 2002 as prescribed by law.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this 13th day of September, 2002.

TOWN OF SOUTHWEST RANCHES, FLORIDA

By: 
John Canada
Town Administrator

[to be delivered to Tax Collector no later than September 16]