

RESOLUTION 2015-09
Final Assessment Resolution
(FY 2015-16)

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES; ESTABLISHING LEGISLATIVE FINDINGS; IMPOSING FIRE SERVICES ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Wales, Florida, has enacted Ordinance 2008-26 (the “Ordinance”) which authorizes the imposition of Fire Services Assessments for fire protection services, facilities, and programs against Assessed Property located within the City;

WHEREAS, the imposition of a Fire Services Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Fire Services Assessed Costs among parcels of Assessed Property; and

WHEREAS, the City Commission desires to implement a Fire Services Assessment program in the City using the procedures provided by the Ordinance for the Fiscal Year beginning October 1, 2015; and

WHEREAS, the City Commission, on May 19, 2015, adopted Resolution No. 2015-08 (the “Initial Assessment Resolution”); and

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the fire services to be provided to Assessed Property; describes the method of apportioning the Fire Services Assessed Costs to compute the Fire Services Assessment for fire protection services, facilities, and programs against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notices required by the Ordinance; and

WHEREAS, in order to impose Fire Assessments for the Fiscal Year beginning October 1, 2015, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the 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 affidavit regarding the form of the notice mailed being attached hereto as Appendix A; the proof of the publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on June 16, 2015, and comments and objections of all interested persons have been heard and considered, as required by the Ordinance.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

Section 1. Recitals. The foregoing recitals are legislative findings of the Lake Wales City Commission and are true and correct and incorporated herein by reference.

Section 2. Authority. This Resolution is adopted pursuant to Ordinance No. 2008-26; the Initial Assessment Resolution 2015-08; Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes; and all other applicable provisions of law.

Section 3. Definitions and Interpretation. This Resolution constitutes the Final Assessment Resolution as defined by Ordinance 2008-26. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

Section 4. Imposition of Fire Services 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 fire protection services, facilities, and programs described or referenced in the Initial Assessment Resolution in the amount of the Fire Services 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 City will be specially benefited by the City's provision of fire protection services, facilities and programs in an amount not less than the Fire Services 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 fire protection services, facilities, and programs to be provided and a legislative determination that the Fire Services 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 for computing Fire Services Assessments described and referenced in the Initial Assessment Resolution is hereby approved. The Parcel Apportionment methodology adopted in Section 8 of the Initial Assessment Resolution and described in the *City of Lake Wales Fire Assessment Memorandum* dated April 2015 prepared by Government Services Group, Inc., which report is incorporated by reference in Section 6 of the Initial Assessment Resolution, is hereby approved.

(C) For the Fiscal Year beginning October 1, 2015, the Fire Services Assessed Costs to be assessed is \$1,464,922. The Fire Services Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Services Assessed Cost for the Fiscal Year beginning October 1, 2015, are hereby established as follows:

Residential Property Use Category	Rate Per Dwelling Unit
Residential	\$150.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.08
Industrial/Warehouse	\$0.01
Institutional	\$0.12

(D) The above rates of assessment are hereby approved. Fire Services Assessments for fire protection 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, 2015.

(E) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and membership as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit.

Therefore, it is fair and reasonable not to impose Fire Services Assessments upon Buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(F) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon such parcels of Government Property.

(G) Any shortfall in expected Fire Services Assessment proceeds due to any reduction or exemption from payment of the Fire Services Assessments required by law or authorized by the City Commission shall be supplemented by a legally available fund, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Services Assessments.

(H) As authorized in Section 10.5-17 of Ordinance 2008-26, Interim Fire Services Assessments are also levied and imposed against all property for which a Building Permit is issued after the adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(I) Fire Protection Assessments shall constitute a lien upon the Assessed Property so assessed and shall be 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 for a Fire Services Assessment shall be deemed perfected upon the City Commission's adoption of this Final Assessment Resolution. Upon perfection, the lien for a Fire Services Assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll.

(J) The Fire Protection Assessment for the Fiscal Year beginning on October 1, 2015, shall be collected as authorized in Section 10.5-19 of Ordinance 2008-26 and Section 14 of the Initial Assessment Resolution, using bills provided by first class mail. Any delinquent amounts not paid

will be added to a future tax bill should the City use the Uniform Assessment Collection Act method in future years to collect the Fire Protection Assessment.

Section 5. Confirmation of Initial Assessment Resolution.

(A) For the Fiscal Year 2015-16, the Initial Assessment Resolution is confirmed and restated, with the exceptions: (1) that the dollar figure set forth in Section 9(A) is amended to correct a scrivener's error wherein the figure \$450,664 should have been \$1,910,768; and (2) that the table included in Section 9(B) is amended to correct a scrivener's error wherein the last entry under **Non-Residential Property Use Categories** should correctly refer to Institutional rather than Industrial; and (3) that Section 14 is amended to provide for collection by bills sent by first class mail for the Fiscal Year 2015-16 as provided in Section 10.5-19 of Ordinance 2008-26 and subsequently to be collected and enforced pursuant to the Uniform Assessment Collection Act as provided in Section 10.5-18 of Ordinance 2008-26.

(B) The rest of the Initial Assessment Resolution is hereby confirmed.

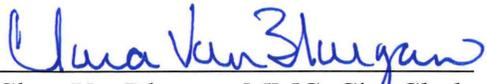
Section 6. Effect of Adoption of This Resolution. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property; the method of apportionment and assessment; the rate of assessment; the Assessment Roll; and the levy and lien of the Fire Services assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

Section 7. Severability. It is the intent of the City Commission of the City of Lake Wales that if any section, sentence, clause, phrase or provision of this Resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Resolution.

Section 8. Effective Date. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

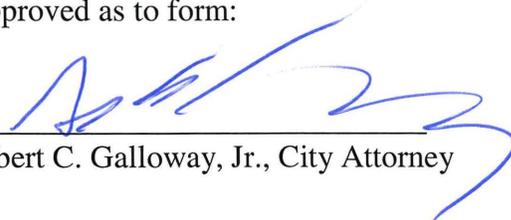
PASSED AND ADOPTED this 16th day of June, 2015, by the City Commission of the City of Lake Wales, Polk County, Florida, at a special Commission meeting.

Attest:


Clara VanBlargan, MMC, City Clerk


Eugene Fultz, Mayor

Approved as to form:


Albert C. Galloway, Jr., City Attorney

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Kenneth Fields, Sandi Melgarejo, and Charity Moore, who, after being duly sworn, depose and say:

1. Kenneth Fields, City Manager of the City of Lake Wales, Florida (the "City"), pursuant to City Ordinance No. 2008-26 (the "Ordinance"), timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Ordinance and in conformance with the Initial Assessment Resolution adopted by the City Commission on May 19, 2015 (the "Initial Assessment Resolution").

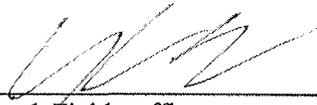
2. Sandi Melgarejo is Project Coordinator for Government Services Group, Inc. (GSG). GSG has caused the notices required by the Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared, and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before May 26, 2015, GSG delivered and directed the mailing of the above-referenced notices by Modern Mailers, Inc. ("Modern Mailers"), in accordance with the

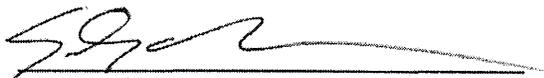
Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Polk County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before May 26, 2015.

4. Charity Moore is Production Manager of Modern Mailers. As directed above, Modern Mailers, mailed or caused to be mailed on or May 26, 2015, the above-referenced notices delivered to Modern Mailers by GSG.

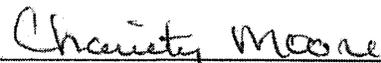
FURTHER AFFIANTS SAYETH NOT.



Kenneth Fields, affiant



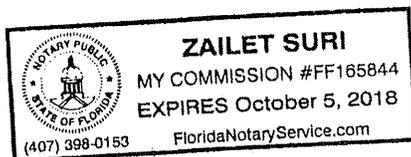
Sandi Melgarejo, affiant



Charity Moore, affiant

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 10th day of June, 2015 by Kenneth Fields, City Manager, City of Lake Wales, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

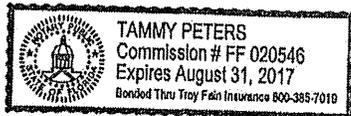




Printed Name: Zailet Suri
Notary Public, State of Florida
At Large
My Commission Expires: 10/5/18
Commission No.: FF165844

STATE OF FLORIDA
COUNTY OF LEON

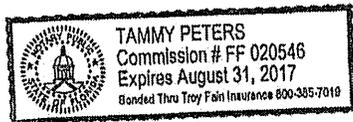
The foregoing Affidavit of Mailing was sworn to and subscribed before me this 9 day of June, 2015 by Sandi Melgarejo, Project Coordinator, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.



Tammy Peters
Printed Name: Tammy Peters
Notary Public, State of Florida
At Large
My Commission Expires: August 31, 2017
Commission No.: FF 020546

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 9 day of June, 2015 by Charity Moore, Production Manager, Modern Mailers, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.



Tammy Peters
Printed Name: Tammy Peters
Notary Public, State of Florida
At Large
My Commission Expires: August 31, 2017
Commission No.: FF 020546

[SAMPLE OF A MAILED NOTICE TO A PROPERTY OWNER ATTACHED]

CITY OF LAKE WALES
201 W. CENTRAL AVENUE
P.O. BOX 1320
LAKE WALES, FLORIDA 33853

CITY OF LAKE WALES, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF FIRE PROTECTION
SERVICES NON-AD VALOREM ASSESSMENTS
NOTICE DATE: May 26, 2015

DENT DARRELL
DENT SUSAN E
1163 S LAKESHORE BLVD
LAKE WALES FL 33853

Tax Parcel ID #: 283006940600011170
Sequence Number: LWF-2026
Legal: YARNELL HTS PB 31 PG 30 BLK
11 LOT

***** NOTICE TO PROPERTY OWNER *****

As required by Section 197.3632, Florida Statutes, and as directed by the City Commission pursuant to City Ordinance, notice is hereby given by the City of Lake Wales (the "City"), that the City will consider adopting a special assessment which may be levied on your property for fire protection services, facilities, and programs for the City's fiscal year commencing October 1, 2015. The total fire assessment revenue to be collected for the fire services special assessments for Fiscal Year 2015-16 within the City is estimated to be \$1,910,768. The assessment is based on the classification of each parcel of assessed property and number of billing units contained within the specified Property Use Categories. The above-listed parcel has the following units:

Category	Type and Number of Billing Units	Fiscal Year 15-16 Assessment
Residential Building	1 Dwelling Unit	\$196.00
Total Assessment		\$196.00

The maximum annual fire assessment that can be charged without further notice for Fiscal Year 2015-16 and for future fiscal years for the above parcel is \$196.00.

A hearing will be held at 6:00 p.m., or as soon thereafter as possible, on June 16, 2015, in the Commission Chambers at the City Administration Building, 201 W. Central Avenue, Lake Wales Florida, 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 City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission 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 of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk no later than seven (7) days prior to the proceedings. Telephone (863) 678-4182 for assistance. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission 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 Fire Services Special Assessment Ordinance, the Initial Assessment Resolution initiating and imposing the fire services assessment, the preliminary assessment roll, and other documentation related to the proposed Fire Services Special Assessment are available for inspection at the City Manager's office located at the City Administration Building, 201 W. Central Avenue, Lake Wales, Florida between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

The fire services non-ad valorem assessment amount shown on this notice for the above parcel will be collected on a separate bill that will be mailed to you in November 2015. Failure to pay the assessment could result in foreclosure proceedings against your property as well as the initiation of proceedings to compel payment by any means authorized by law. In future years, the Fire Services Assessment may be collected by the Polk County Tax Collector, pursuant to Chapter 197, Florida Statutes, on the annual tax bills, in which case failure to pay the Fire Services Assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title to your property. In lieu of a lien, the City may include the unpaid portions of this year's Fire Services Assessment in future years' collections using the annual tax bills.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your fire services assessment, please contact the City at (863) 678-4203 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

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

AFFIDAVIT OF PUBLICATION NEWS CHIEF Lakeland, Polk County, Florida

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Michelle Reece who on oath says that she is an Account Executive for Advertising at The Ledger, the owner of the News Chief, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

In the matter of **SPECIAL ASSESSMENTS**

Concerning **CITY OF LAKE WALES**

was published in said newspaper in the issues of

5-26; 2015

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she 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 the said newspaper.

Signed.....*Michelle Reece*.....
Michelle Reece
Advertising Account Executive
Who is personally known to me.

Sworn to and subscribed before me this 26th day of May, A.D., 2015

Patricia Ann Rouse
Notary Public

(SEAL)



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

Notice is hereby given that the City Commission of the City of Lake Wales, will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the City for the Fiscal Year beginning October 1, 2015.

The hearing will be held at 6:00 p.m., or as soon thereafter as possible, on June 16, 2015, in the Commission Chambers at the City Administration Building, 201 W. Central Avenue, Lake Wales, 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 City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission 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 of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk no later than seven (7) days prior to the proceedings. Telephone (863) 678-4182 for assistance. If hearing impaired, telephone the Florida Relay Service numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

The assessments for each parcel of property will be based upon each parcel's Property Use classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire services assessment schedule being considered by City Commission for the Fiscal Year beginning October 1, 2015:

Fire Services Assessment Rates

Residential Property Use Category	Rate Per Dwelling Unit
Residential	\$196.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$.10
Industrial/Warehouse	\$.01
Institutional	\$.15

Copies of the Fire Services Special Assessment Ordinance, the Initial Assessment Resolution initiating and imposing the fire services assessment, the preliminary assessment roll, and other documentation related to the proposed Fire Services Special Assessment are available for inspection at the City Manager's office located at the City Administration Building, 201 W. Central Avenue, Lake Wales, Florida between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

The assessments will be collected on a separate bill to be mailed by the City. Failure to pay the assessment could result in foreclosure proceedings against your property as well as the initiation of proceedings to compel payment by any means authorized by law, including a process that would result in 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 City at (863) 678-4203 between 8:00 a.m. and 5:00 p.m., Monday through Friday. [Map of city to follow]

