

**RESOLUTION 2022-20**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING BROOKSHIRE STREET LIGHTING ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Wales, Florida (the "City"), has enacted Ordinance 2010-10, which authorizes the annual imposition of Street Lighting Assessments for the cost of provision of street lighting services, facilities or programs, which provide a special benefit to assessed properties within the City; and

**WHEREAS**, the reimposition of a Brookshire Street Lighting Assessment for street lighting services and facilities within the Brookshire Street Lighting District each year is an equitable and efficient method of allocating and apportioning street lighting costs among parcels of Assessed Property; and

**WHEREAS**, the City desires to reimpose a street lighting assessment program in the Brookshire development located within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning October 1, 2022; and

**WHEREAS**, the City, on June 7, 2022, adopted Resolution No 2022-14, (the Preliminary Assessment Resolution); and

**WHEREAS**, the Preliminary Assessment Resolution contains a brief and general description of the street lighting services and program to be provided to Assessed Property; describes the method of apportioning the Street Lighting Assessment Costs, estimates the rate of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance.

**WHEREAS**, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Preliminary Assessment Resolution, corrected as needed and 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 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 7, 2022, 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 CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AS FOLLOWS:**

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

**Section 2. Authority.** This Resolution is adopted pursuant to the provisions of the Special Assessment Ordinance (Ordinance 2010-10), the Preliminary Assessment Resolution (Resolution 2017-12), Article VIII, Section 2(b), Florida Constitution, §§ 166.021 and 197.3632, Florida Statutes, and other applicable provisions of law.

**Section 3. Effect of Adoption of Resolution.** The adoption of this Annual Rate 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 Brookshire Street Lighting Assessments), unless proper steps shall be initiated in the a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

**Section 4. Reimposition of Brookshire Street Lighting Assessment.** The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefitted by the provision of street lighting services, facilities or programs within the Brookshire development.

**Section 5. Confirmation of Preliminary Assessment Resolution.** The Preliminary Brookshire Street Lighting Assessment Resolution is hereby confirmed.

**Section 6. 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.

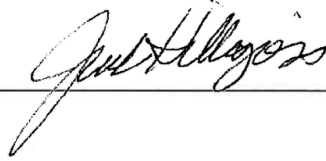
**Section 7. Effective Date.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Commission of the City of Lake Wales, Polk County, Florida, at a regular (rescheduled) Commission meeting, this 7<sup>th</sup> day of September, 2022.

CITY OF LAKE WALES

BY:

Mayor



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ATTEST:

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City Clerk

Approved as to form:



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Albert C. Galloway, Jr., City Attorney  
City of Lake Wales

