

**RESOLUTION 2023-09**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE FUNDING OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; DESCRIBING THE METHOD OF ASSESSING STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Wales, Florida, 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;

**WHEREAS**, the residential property within the Brookshire subdivision has decorative street lighting infrastructure to enhance the aesthetics of the subdivision; and

**WHEREAS**, the style, number and placement of street lights relating to the Brookshire subdivision has been controlled by the Developer and the Brookshire Homeowners Association and in no way was mandated by the City of Lakes Wales; and

**WHEREAS**, the property owners representing a majority of the parcels located within the Brookshire Street Lighting Assessment Area petitioned the Lake Wales Commission, in 2010, to establish a Street Lighting District for the purpose of providing street lights in said area; and

**WHEREAS**, pursuant to the Special Assessment Ordinance (City Code Chapter 17.5), the reimposition of a street lighting assessment for Fiscal Year 2024 requires certain processes such as the preparation of the updated street lighting assessment roll;

**WHEREAS**, annually, a preliminary rate resolution describing the method of assessing street lighting service costs against assessed property located within the Brookshire Street Lighting District, directing the preparation of an updated assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by Ordinance 2010-10 for reimposition of street lighting services assessments;

**WHEREAS**, the Commission has determined that the collection of the Brookshire Street Lighting Assessment be collected in accordance with the Uniform Method of Collection, for Fiscal Year beginning October 1, 2023, as authorized in Section 197.3632, Florida Statutes;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA, AS FOLLOWS:**

**Section 1. Authority.** This Resolution is adopted pursuant to the provisions of the Special Assessment Ordinance (Ordinance 2010-10, Chapter 17.5-13 of the City of Lake Wales City Code), Article VIII, Section 2(b), Florida Constitution, §§ 166.021 and 197.3632, Florida Statutes, and other applicable provisions of law.

**Section 2. Purpose and Definitions.** This Resolution constitutes the Preliminary Rate Resolution as defined in the Special Assessment Ordinance, which initiates the annual process for updating the Brookshire Street Lighting District Assessment Roll and directs the reimposition of Brookshire Street Lighting District Assessments for the fiscal year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Special Assessment Ordinance and the Initial Assessment Resolution for Brookshire Street Lighting Services and Facilities. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

**Section 3. Provision and Funding of Brookshire Street Lighting District Services.** The Brookshire Street Lighting District has been established for all land within the following described area all lying and being within the City of Lake Wales, Polk County, Florida:

*The SW ¼ of the SW ¼ of Section 11, Township 29 South, Range 27 East, LESS highway right-of-way and EXCEPT the North 256 feet and the South 10 feet of the West 250 feet of the North 266 feet; and The North ½ of the NW ¼ of the NW ¼ of Section 14, Township 29 South, Range 27 East, LESS a small triangular-shaped piece of land on the South side described in Deed Book 419, Page 455, Public Records of Polk County, Florida, LESS highway right-of-way.*

**Section 4. Legislative Determinations of Special Benefit and Fair Apportionment.** The legislative determinations, especially regarding special benefit and fair apportionment, embodied in the Special Assessment Ordinance 2010-10 and the Initial Assessment Resolution 2010-10, are re-affirmed and incorporated herein by reference.

**Section 5. Determination of Brookshire Street Lighting District Services Cost; Establishment of Preliminary Street Lighting Assessment Rates.**

(A) This Preliminary Rate Assessment Resolution determines the amount of the Brookshire Street Lighting Services Cost. The assessable Brookshire Street Lighting District cost which can be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2023, is \$13,175.

(B) For the Fiscal Year beginning October 1, 2023, in which Brookshire Street Lighting District Services Assessments are imposed, the Brookshire Street Lighting Assessment will be equally apportioned between the total number of parcels within the Brookshire Street Lighting District. **Based on the assessable street lighting costs (\$13,175), divided by the total number of parcels (87), an annual rate of assessment is \$155.00 per 85 billable parcel is hereby approved.**

(C) The rate of the Brookshire Street Lighting District Services Assessments established in this Preliminary Rate Assessment Resolution shall be the rates applied by the City Manager in the preparation of the updated Brookshire Street Lighting District Assessment Roll for the Fiscal Year commencing October 1, 2023 as provided for in Section 6 of this Preliminary Rate Assessment Resolution.

#### **Section 6. Updated Assessment Roll.**

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Brookshire Street Lighting District Assessment Roll for the Fiscal Year beginning October 1, 2023. Such updated Brookshire Street Lighting District Assessment Roll shall contain the following: (1) a summary description of all Property within the City conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each parcel as shown on the Tax Roll, if available, and (3) the amount of the Brookshire Street Lighting District Services Assessment attributable to Assessed Property.

(B) A copy of this Preliminary Rate Resolution, the Special Assessment Ordinance, the Initial Assessment Resolution for Brookshire Street Lighting District Services and Facilities, and the updated Brookshire Street Lighting District Roll shall be open to public inspection.

#### **Section 7. Obligation of City.**

(A) Upon the imposition of Brookshire Street Lighting District Assessment against parcels located within the Brookshire Street Lighting District, the City shall provide street lighting services to such parcels. Brookshire street lighting costs shall be paid from proceeds of the Brookshire Street Lighting District Assessment.

(B) It is hereby ascertained, determined, and declared that each assessed parcel shall, and will be, benefited by the City's provision of street lighting services in an amount not less than the Brookshire Street Lighting District Assessment upon such parcel computed in the manner set forth in this Preliminary Rate Resolution.

**Section 8. Authorization of Public Hearing.** There is hereby established a public hearing to be held at **6:00 p.m.** on **Wednesday, September 06, 2023**, in the Commission Chambers, Municipal Administration Building, 201 W. Central Avenue, Lake Wales, Florida, at which time the City Commission will receive and consider any comments on the Brookshire Street Lighting District Assessment from the public and affected property owners and consider imposing the Brookshire Street Lighting District Assessments for the Fiscal Year commencing October 1, 2023, collecting such assessment imposed on parcels of Assessed Property within the City by utilizing the Uniform Assessment Collection Act.

**Section 9. Notice by Publication.** The City Manager or designee shall publish a notice of the public hearing authorized by Section 7 above, as required by Section 17.5-13(5) of the Special Assessment Ordinance. The notice shall be published no later than July 14, 2023. If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under Section 200.069, Florida Statutes, also fulfills the requirements of this section, then the notice by publication requirement will be deemed to be fulfilled by the TRIM notice.

**Section 10. Notice by Mail.** The City Manager or designee shall ensure that notice by first class mail is provided to the Owner of each Assessed Parcel, as required by Section 17.5-13(5)2.05 of the Special Assessment Ordinance. Such notices shall be mailed not later than August 17, 2023. If the City determines that the truth-in-millage (“TRIM”) notice that is mailed by the Property Appraiser under Section 200.069, Florida Statutes, also fulfills the requirements of this section, then the separate mailing requirement will be deemed to be fulfilled by the TRIM notice.

**Section 11. Method of Collection.** It is hereby declared that the Brookshire Street Lighting District Assessments imposed on parcels of assessed property in the City shall be collected pursuant to the Uniform Assessment Collection Act for the Fiscal Year commencing October 1, 2023.

**Section 12. 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 13. Conflicts.** All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 14. Severability.** If any section, sentence, clause or phrase of this Resolution or its attachments is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affect the remaining portion of this Resolution.

**Section 15. Effective Date.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Lake Wales, Polk County, Florida, at a regular Council meeting, this 6<sup>th</sup> day of June 2023.

CITY OF LAKE WALES

BY: \_\_\_\_\_  
Jack Hilligoss, Mayor

ATTEST:

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Jennifer Nanek, City Clerk  
Approved as to form:

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