

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-021

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE COLLECTION SERVICES, IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; APPROVING THE ASSESSMENT RATE FOR SOLID WASTE COLLECTION SERVICES FOR FISCAL YEAR 2009-2010; IMPOSING A SOLID WASTE COLLECTION ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES FOR THE 2009-2010 FISCAL YEAR BEGINNING ON OCTOBER 1, 2009; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves, Florida, enacted Ordinance No. 2008-05, on July 1, 2008, which authorized the imposition of a Solid Waste Collection Assessment, pursuant to the procedures contained within the Town's Code of Ordinances (collectively, "the Ordinance") for the provision of Solid Waste Collection Services for single-family residential properties that receive residential solid waste collection services within the Town, and provided for findings of special benefit and the method of apportionment of the Solid Waste Collection Assessment; and

WHEREAS, the imposition of a Solid Waste Collection Assessment for Solid Waste Collection Services for each Fiscal Year is an equitable and efficient method of allocating and apportioning Solid Waste Collection Assessed Costs among parcels of Assessed Property; and,

WHEREAS, the Town Council desires to impose a Solid Waste Collection Assessment within the Town for the Fiscal Year beginning on October 1, 2009 using the tax bill collection method; and

WHEREAS, the Town Council, on July 7, 2009, adopted Resolution No. 2009-012 (the "2009 Preliminary Assessment Resolution"), referencing the Solid Waste Collection Services to be provided to Assessed Property, describing the method of apportioning the Solid Waste Collection Assessed Cost to compute the Solid Waste Collection Assessment for Solid Waste Collection Services against Assessed Property, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice to the affected landowners; and

WHEREAS, in order to impose the Solid Waste Collection Special Assessment for the Fiscal Year beginning October 1, 2009, the Ordinance requires the Town Council to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such amendments as the Town Commission 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 Resolutions; and

WHEREAS, notice of a public hearing has been published and mailed, which provides notice to all interested persons of an opportunity to be heard. An affidavit regarding the form of notice of mailing is attached hereto as Appendix "A" and the proof of publication is attached hereto as Appendix "B"; and

WHEREAS, a public hearing was held on September 14, 2009, and comments and objections of all interested parties have been heard and considered;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

SECTION 1. The aforementioned “WHEREAS” clauses are hereby ratified as true and correct and incorporated herein.

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Ordinance, the 2009 Preliminary Assessment Resolution, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 3. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the 2009 Preliminary Assessment Resolution.

SECTION 4. IMPOSITION OF SOLID WASTE COLLECTION ASSESSMENT.

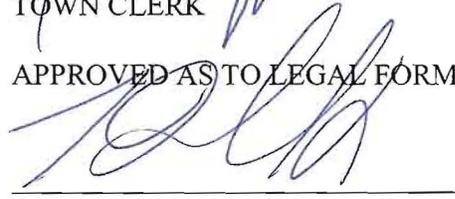
(A) The parcels of Assessed Property described in the Assessment Roll, as updated and which is hereby approved, are hereby found to be specially benefitted by the provision of the Solid Waste Collection Services described in the 2009 Preliminary Assessment Resolution, in the amount of the Solid Waste Collection 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 specifically benefitted by the Town's provision of Solid Waste Collection, facilities and programs in an amount not less than the Solid Waste Collection Assessment of such parcel, computed in the manner set forth in the 2009 Preliminary Assessment Resolution. Adoption of this Annual Assessment Resolution constitutes a legislative determination that all assessed parcels derive a special benefit, as set forth in the Ordinance and the 2009 Preliminary Assessment Resolution, from the Solid Waste Collection Services to be provided, and a legislative determination that the Solid Waste Collection

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 14th day of September, 2009.

ATTEST:

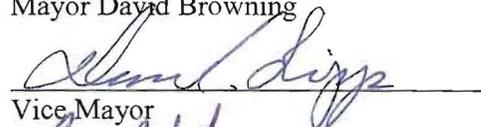

TOWN CLERK

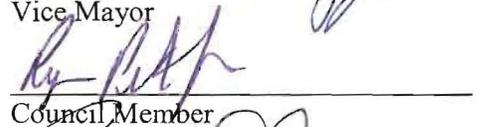
APPROVED AS TO LEGAL FORM:

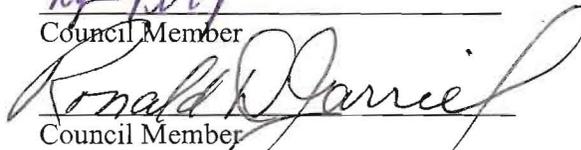

Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

Absent
Mayor David Browning


Vice Mayor


Council Member


Council Member

Absent
Council Member

SSG:DNT:dnt

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APPENDIX A

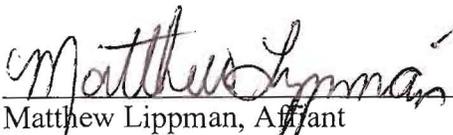
AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Matthew Lippman, who, after being duly sworn, deposes and say:

1. Matthew Lippman, as Town Clerk for the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority and direction received from the Town Council, timely directed the preparation of the Assessment Roll and the preparation and publication of notices in accordance with Sections 104 and 105 of Ordinance No. 2008-05, (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the Town Council on July 7, 2009 (the "Preliminary Rate Resolution").

2. In accordance with the Assessment Ordinance and Chapter 92-264, Laws of Florida, as amended by Chapter 2003-348, Laws of Florida (collectively, the "Special Act"), Mr. Lippman timely provided all necessary information for notification of the Solid Waste Special Assessment to the Property Appraiser of Palm Beach County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the Solid Waste Special Assessment rate expressed in dollars and cents per billing unit, the associated Solid Waste Special Assessment amount, and the purpose of the Solid Waste Special Assessment.

FURTHER AFFIANT SAYETH NOT.


Matthew Lippman, Affiant

STATE OF FLORIDA
COUNTY OF PALM BEACH COUNTY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 15 day of Sept, 2009 by Matthew Lippman, Town Clerk, Town of Loxahatchee Groves, Florida. He is personally ~~known to me~~ or has produced _____ as identification and did take an oath.


Printed Name: Carole Z. Williams
Notary Public, State of Florida at Large

My Commission Expires: 6/23/2010
Commission No.: DD 561563



APPENDIX B
PROOF OF PUBLICATION

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

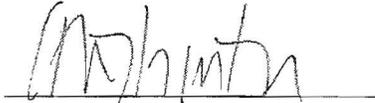
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Solid Waste Assessments** was published in said newspaper in the issues of **August 21, 2009**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach 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/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 the said newspaper. Also published in Martin and St. Lucie Counties.



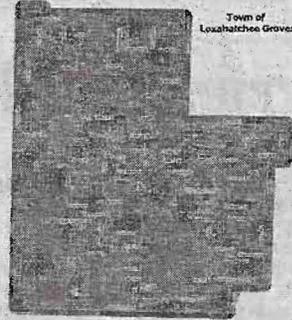
Sworn to and subscribed before 21st day of August, A.D. 2009.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 **Karen M. McLinton**
Commission #DD832672
Expires: NOV 15, 2012
BONDED THROUGH ATLANTIC BONDING CO., INC.



NO. 4643740
**NOTICE OF HEARING TO IMPOSE
AND PROVIDE FOR COLLECTION
OF SOLID WASTE COLLECTION
SERVICES SPECIAL ASSESSMENTS**



Notice is hereby given that the Town Council of the Town of Loxahatchee Groves will conduct a public hearing to consider imposing Solid Waste Collection Services Special Assessments upon residential dwellings that receive residential solid waste collection services, for the provision by the Town of Loxahatchee Groves to such properties within the Town of Loxahatchee Groves. The hearing will be held at 5:15 p.m., on Monday, September 14, 2009, at Loxahatchee Groves Water Control District Headquarters, 101 West "D" Road, Town of Loxahatchee Groves, 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 Town Council within 20 days of this notice. If a person decides to appeal any decision made by the Town Council 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (561) 793-2418, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed Solid Waste Collection Services assessment schedule:

RESIDENTIAL UNITS FOR FISCAL YEAR 2009-10: \$372.73 PER UNIT

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the Town Clerk's Office, 14579 Southern Blvd, Suite #2, Loxahatchee Groves, Florida 33470.

The assessments will be collected by the tax collector on the ad valorem tax bill to be mailed in November 2009, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause 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 Town Clerk at (561) 793-2418, Monday through Friday between 9:00 a.m. and 4:00 p.m.

TOWN CLERK TOWN OF LOXAHATCHEE GROVES.

Pub: August 21, 2009