

RESOLUTION NO. 1037

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4 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
5 LIGHTHOUSE POINT, FLORIDA, RELATING TO THE PROVISION
6 OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS
7 WITHIN THE CITY OF LIGHTHOUSE POINT; ESTABLISHING THE
8 RATES FOR THE FIRE PROTECTION SPECIAL ASSESSMENT;
9 LEVYING THE FIRE PROTECTION SPECIAL ASSESSMENT UPON
10 SPECIALLY BENEFITTED AND ASSESSED PROPERTIES LYING
11 WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF
12 LIGHTHOUSE POINT PURSUANT TO ORDINANCE NO. 720 AND
13 RESOLUTION NO. 1031 OF THE CITY OF LIGHTHOUSE POINT,
14 FLORIDA; APPROVING, CONFIRMING, AND ADOPTING THE NON-
15 AD VALOREM ASSESSMENT ROLL; PROVIDING FOR CONFLICT;
16 PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE
17 DATE.
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20 WHEREAS, the City of Lighthouse Point (hereinafter "City") has previously
21 decided that it is in the best interest of the citizens and residents of Lighthouse Point for
22 the City to provide Fire Protection Services; and

23 WHEREAS, the City of Lighthouse Point has previously decided to fund a portion
24 of the Fire Protection Services through a non-ad valorem special assessment; and

25 WHEREAS, the imposition of a Fire Protection Assessment to fund a portion of
26 the Fire Protection Costs relating to Fire Protection services, facilities and programs each
27 year is an equitable and efficient method of allocating and apportioning the Fire Protection
28 Assessed Costs among assessed properties within the City; and,

29 WHEREAS, the City desires to initiate a Fire Protection Assessment program
30 within the City using the tax bill collection method for the Fiscal Year commencing on
31 October 1, 1998; and,

32 WHEREAS, on July 14, 1998, the City Commission adopted Resolution 1031 (the
33 "Initial Resolution"), which contained a brief description of the Fire Protection services,

1 facilities and programs to be provided to assessed property, described the apportionment
2 methodology regarding the Fire Protection Assessment, established the preliminary rates
3 of assessment, directed the preparation of the Preliminary Assessment Roll and the
4 provision of notice for the public hearing as provided in Ordinance Number 720 (the
5 "Ordinance"); and,

6 WHEREAS, pursuant to the Ordinance, the City is required to hold a duly noticed
7 public hearing to consider comments and objections of all interested parties, and to
8 confirm, amend, or repeal the Initial Resolution and Preliminary Assessment Roll;

9 WHEREAS, the Preliminary Assessment Roll has been available for inspection by
10 the public since its adoption on July 14, 1998; and,

11 WHEREAS, the City has held a public hearing on September 14, 1998, to adopt
12 the non-ad valorem special assessment roll for funding a portion of the Fire Protection
13 Costs for the provision of Fire Protection services within the City; and

14 WHEREAS, the City has provided proper notice of the hearing, through U.S. mail
15 using the annual TRIM Notices, and publication in a newspaper generally circulated within
16 Broward County, Florida, to each person owning property subject to the non-ad valorem
17 special assessment; and

18 WHEREAS, affected property owners have had the right to file written objections
19 to the non-ad valorem special assessment, and to appear at the public hearing; and

20 WHEREAS, the City has received the written objections, heard testimony from all
21 interested persons, and considered all objections relating to the non-ad valorem special
22 assessment; and

23 WHEREAS, the City has equalized or adjusted the non-ad valorem special
24 assessment as dictated by fairness and right.

1 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
2 THE CITY OF LIGHTHOUSE POINT, THAT:
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4 Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed
5 as being true and correct, and are hereby made a specific part of this Resolution upon
6 adoption hereof.

7 Section 2. This Resolution is adopted pursuant to the Ordinance, the Initial
8 Resolution, Chapter 166, Florida Statutes, and other applicable provisions of law. It
9 constitutes the Assessment Resolution as defined in the Ordinance. All legislative findings
10 set forth in the Ordinance, and the Initial Resolution, are hereby readopted, confirmed, and
11 ratified herein.

12 Section 3. It is necessary, serves a City and public purpose, and is in the best
13 interests of the City of Lighthouse Point, to levy the non-ad valorem special assessment
14 to fund a portion of the City's Fire Protection Costs for the provision of Fire Protection
15 services.

16 Section 4. The City of Lighthouse Point shall levy the non-ad valorem special
17 assessment to fund a portion of the Fire Protection Costs for Fire Protection services
18 provided by the City.

19 Section 5. The method for computing the Fire Protection Special Assessment
20 provided in the Initial Resolution is hereby approved, as supplemented and modified
21 herein.

22 Section 6. It is hereby ascertained that the parcels described in the Assessment
23 Roll are found to be specially benefitted by the provision of Fire Protection Services
24 described in the Ordinance and the Initial Resolution in the amount of the assessment set
25 forth in the Assessment Roll, a copy of which was present or available for public

1 inspection at the public hearing and is incorporated herein by reference. Each parcel of
 2 Assessed Property will be benefitted by the provision of Fire Protection Services in an
 3 amount not less than the Fire Protection Assessment for such parcel. Adoption of this
 4 Resolution constitutes a legislative determination that all assessed parcels derive the special
 5 benefits as provided in the Ordinance and Initial Resolution, and that the Fire Protection
 6 Assessment is fairly and reasonably apportioned among the benefitted properties.

7 Section 7. The estimated Fire Protection Assessed Costs to be assessed for the
 8 Fiscal Year commencing October 1, 1998, is \$332,451.15. The Fire Protection
 9 Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost
 10 Apportionment and Parcel Apportionment to generate the estimated Fire Protection
 11 Assessed Costs for the Fiscal Year commencing October 1, 1998, are hereby established
 12 as follows:

CATEGORY	PARCEL CLASSIFICATION	NUMBER OF UNITS	RATE/ UNIT
RESIDENTIAL	N/A	5,684	\$ 50.00
COMMERCIAL	< 1,999 SQ.FT.	14	66.33
	2,000- 3,499	21	132.67
	3,500- 4,999	17	232.17
	5,000- 9,999	18	331.67
	10,000-19,999	19	663.35
	20,000-29,999	4	1,326.70
	30,000-39,999	5	1,990.05
	40,000-49,999	0	N/A
	50,000-99,999	0	N/A
	> 100,000 SQ.FT.	1	6,633.49
NON-EXEMPT INSTITUTIONAL	2,000-3,499 SQ.FT.	1	125.32

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Section 8. The above rates are hereby approved, and the Fire Protection Assessments set forth herein are hereby levied and imposed on all assessed parcels of Assessed Property described in the Assessment Roll.

Section 9. Pursuant to the Ordinance, no Fire Protection Assessment shall be imposed upon a parcel of Institutional or Government Property whose use is wholly exempt from ad valorem taxation under Florida law. Any shortfall in the expected Fire Protection Assessment proceeds due to any reduction or exemption from payment of the Fire Protection Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Protection Assessments.

Section 10. The Assessment Roll shall be filed with the Clerk of the City of Lighthouse Point, and such assessments shall stand confirmed. All Fire Protection Assessments shall constitute legal, valid, and binding first liens, unless otherwise provided by law, upon property against which such assessments are made until paid.

Section 11. The Assessment Roll, as adopted and approved herein, shall be certified by the Assessment Coordinator and delivered to the Broward County Finance and Administrative Services Department, which pursuant to the Broward County Charter performs all functions and duties of the office of tax collector.

Section 12. The adoption of this Resolution shall be the final adjudication of any and all issues relating to the City's Fire Protection Special Assessment (including, but not limited to, the determinations of special benefit, the methods of apportionment and the assessment rates) unless proper steps are initiated in a court of competent jurisdiction within twenty (20) days of the adoption of this Assessment Resolution.

