

RESOLUTION NO. 2011-19

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, RELATING TO THE DELIVERY AND FUNDING OF STORMWATER MANAGEMENT SERVICES AND STORMWATER IMPROVEMENTS WITHIN THE CITY; CONFIRMING THE METHOD OF APPORTIONING SPECIAL ASSESSMENTS IMPOSED TO FUND A PORTION OF THE VARIABLE COSTS ASSOCIATED WITH SUCH SERVICES AND IMPROVEMENTS; APPROVING THE ASSESSMENT ROLL PERTAINING TO SUCH VARIABLE COSTS; IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

SECTION 1. AUTHORITY. This Resolution of the City of St. Pete Beach, Florida (the "City"), is adopted pursuant to City Ordinance No. 2009-30 (the "Assessment Ordinance"), City Resolution Nos. 10-07 and 10-08 (collectively, the "Initial Assessment Resolution"), City Resolution No. 2011-18 (the "Supplemental Annual Assessment Resolution"), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Supplemental Annual Assessment Resolution and the Assessment Ordinance.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The City Commission (the "Commission") of the City adopted the Initial Assessment Resolution in order to (1) impose special assessments to provide an initial funding source for the fixed costs associated with Stormwater Management Services and Stormwater Improvements, and (2) identify a fair and reasonable method to apportion the funding of variable costs associated with those services and improvements, with such method to be implemented by subsequent Annual Assessment Resolution or other supplemental resolution in the future.

(B) The Initial Assessment Resolution served as the premise to initially develop a foundation for allocating fixed costs across all Tax Parcels reasonably anticipated to benefit from, or which create a burden resulting in the need for the provision of, Stormwater Management Services and/or Stormwater Improvements, including the assemblage of data and information to subsequently and additionally allocate variable costs based upon physical demand and characteristics of each Tax Parcel.

(C) On June 28, 2011, the Commission adopted Resolution No. 2011-11 which approved the Fiscal Year 2011-12 Assessment Roll for fixed costs and certified such roll to the Tax Collector for collection on the property tax bill in November, 2011.

(D) On September 27, 2011, the Commission conducted a workshop as required by Section 2.03 of the Assessment Ordinance concerning imposition of Assessments to fund variable costs for the Fiscal Year 2011-12 and collection thereof through the alternative method authorized by Section 3.02 of the Assessment Ordinance.

(E) On October 11, 2011, the Commission adopted the Supplemental Annual Assessment Resolution which, among other things, set forth an apportionment methodology for Stormwater Service Assessments imposed to fund variable costs associated with Stormwater Management Services and Stormwater Improvements, directed preparation of the Fiscal Year 2011-12 Assessment Roll for variable costs, scheduled a public hearing for November 8, 2011 to consider levy of the Assessments and approval of the Assessment Roll, and directed the mailing and publication of notice of the public hearing.

(F) A Stormwater Service Assessment Roll has been prepared in accordance with the Supplemental Annual Assessment Resolution and made available for inspection by the public, as required by the Assessment Ordinance.

(G) Notice of a public hearing has been published and, as required by the Assessment Ordinance, mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard concerning the imposition of Stormwater Service Assessments to fund variable costs, an affidavit regarding the notice mailed to each property owner being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B.

(H) The Commission conducted the public hearing established by the Supplemental Annual Assessment Resolution on November 8, 2011, and the comments and objections of all interested parties have been heard and considered.

SECTION 4. STORMWATER ASSESSMENTS.

(A) The parcels of Assessed Property described in the Stormwater Service Assessment Roll for variable costs, which is hereby approved, are hereby found to be specially benefited by the provision of the stormwater related services, facilities, and programs described in the Supplemental Annual Assessment Resolution in the amounts set forth in such Assessment Roll, a copy of which was available for inspection at the above-referenced public hearing and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property included on the Assessment Roll will be benefited by the City's provision of stormwater related services, facilities, improvements and programs in an amount not less than the Assessment for such parcel, computed in the manner set forth in the Supplemental Annual Assessment Resolution.

(C) Adoption of this Resolution constitutes a legislative determination that all parcels assessed derive a special benefit and/or otherwise create a stormwater burden to be addressed and relieved, as set forth in the Supplemental Annual Assessment Resolution, which is logically related to the stormwater services, facilities, improvements and programs to be provided and a legislative determination that the Assessments are fairly and reasonably apportioned among the properties that receive the special benefit or present a burden as set forth in the Supplemental Annual Assessment Resolution.

(D) The methods for computing Stormwater Service Assessments for variable costs as described in the Supplemental Annual Assessment Resolution are hereby approved.

(E) For the Fiscal Year beginning October 1, 2011, the annual rate of the Stormwater Service Assessments imposed to fund variable costs is \$44.30 per ERU.

(F) The Assessments to be assessed and apportioned among Assessed Property to generate the estimated Stormwater Management Service Cost associated with variable costs for the Fiscal Year commencing October 1, 2011, are hereby established and approved. Stormwater service Assessments for 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 the Assessment Roll.

(G) The benefits derived from Stormwater Management Services and Stormwater Improvements exceed the amount of the Assessments levied and imposed hereunder to fund variable costs. The Assessment for variable costs levied against any Tax Parcel within

the City does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel within the City.

(H) The Commission hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding a portion of the variable costs associated with Stormwater Management Services and Stormwater Improvements by fairly and reasonably allocating a portion of the cost of such services and improvements among specially benefited property.

(I) The Stormwater Service Assessments imposed hereunder shall constitute a lien upon Assessed Property 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.

SECTION 5. COLLECTION OF ASSESSMENTS.

(A) The Stormwater Service Assessments imposed hereunder are annual Assessments which will continue from year to year in order to fund the stormwater related services, facilities, improvements and programs provided by the City. Collection of the Stormwater Services Assessments imposed hereunder shall initially take place pursuant to the alternative method of collection set forth in Section 3.02 of the Assessment Ordinance; provided, however, that direct billing of the Assessments will occur no earlier than twenty (20) days after the effective date of this Resolution.

(B) It is the Commission's direction and intent that starting in November, 2012, and continuing each year thereafter, Stormwater Service Assessments imposed to fund both fixed costs and variable costs will be collected on the annual property tax bill in accordance with the Uniform Assessment Collection Act. Any notices required by the Uniform Assessment Collection Act and the Assessment Ordinance may be given in any manner authorized by law, including inclusion of the Assessment on the notice provided for in Section 200.069, Florida Statutes, if applicable.

(C) Any delinquencies in payment of the Assessments imposed hereunder for Fiscal Year 2011-12 may be included in the amount of the Stormwater Service Assessment imposed for Fiscal Year 2012-13 and collected pursuant to the Uniform Assessment Collection Act; provided, however, that any existing lien of record on the affected Tax Parcel for the delinquent Assessment(s) is supplanted by the lien resulting from certification of the Stormwater Service Assessment Roll to the Tax Collector.

SECTION 6. RATIFICATION AND CONFIRMATION OF SUPPLEMENTAL ANNUAL ASSESSMENT RESOLUTION. The Supplemental Annual Assessment Resolution is hereby ratified and confirmed.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit or burdens relieved and the fairness and reasonableness of the apportionment methodology for allocating variable costs among Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days of the effective date of this Resolution.

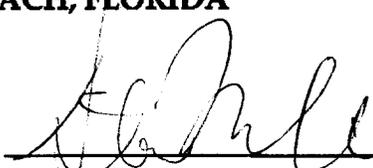
SECTION 8. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Resolution.

SECTION 9. NOTICE. The City Manager may record notice of the Assessments levied hereunder in the public records of Pinellas County, Florida.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

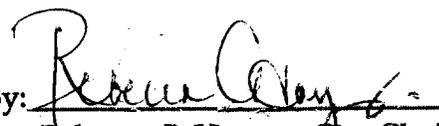
PASSED, ADOPTED AND APPROVED this 8th day of November 2011.

**CITY COMMISSION OF ST. PETE
BEACH, FLORIDA**

By: 
Steve McFarlin, Mayor

(SEAL)

Attest:

By: 
Rebecca C. Haynes, City Clerk

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

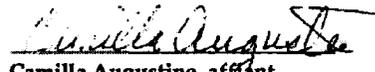
BEFORE ME, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) Camilla Augustine is Project Director of Ennead, LLC ("Ennead").

(2) On or before October 18, 2011, Ennead mailed notice on behalf of the City of St. Pete Beach, Florida (the "City"), in accordance with Section 2.06 of City Ordinance No. 2009-30 and Section 2.05 of City Resolution No. 2011-18 (the "Supplemental Annual Assessment Resolution"), by first class mail, to the owner of each parcel included on the Stormwater Service Assessment Roll prepared in accordance with the Supplemental Annual Assessment Resolution, as reflected on, and at the addresses then shown on, the real property assessment tax roll database maintained by the Pinellas County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(3) An exemplary form of such notice is attached hereto.

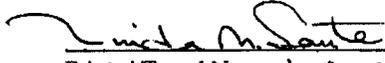
FURTHER AFFIANT SAYETH NAUGHT.


Camilla Augustine, affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 24th day of October, 2011, by Camilla Augustine. She is personally known to me or has produced _____ as identification and did take an oath.




Printed/Typed Name: LINDA M. SANTE
Notary Public-State of FLORIDA
Commission Expires: OCTOBER 27, 2013

Public Services Department
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706



Until paid, the stormwater assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments.

Copies of Resolution No. 2011-18 and the preliminary stormwater non-ad valorem assessment roll are available for inspection at the offices of the City Clerk, located at City Hall, 155 Corey Avenue, St. Pete Beach, Florida. The preliminary stormwater non-ad valorem assessment roll is also available on the internet at <http://quicksearch.enread-data.com/sph>.

Information regarding the assessment for your specific property is included below.

Proposed 2011-2012 Variable Cost Stormwater Assessment	
Tax Parcel Number:	253-0000000000
The total number of ERUs associated with this tax parcel is:	0.3
The proposed Variable Cost Stormwater Assessment per ERU is:	\$44.30
The total amount of the 2011-2012 Variable Cost Stormwater Assessment for your tax parcel is:	\$13.29

If you have any questions, please contact the City's Public Services Department at (727) 363-9243.

ST. PETE BEACH, FLORIDA

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (727) 363-9220.

***** THIS IS NOT A BILL. DO NOT SEND PAYMENT. *****

APPENDIX B
PROOF OF PUBLICATION

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA }
COUNTY OF PINELLAS } S.S.

Before the undersigned authority personally appeared B. Harr who on oath says that he/she is Legal Clerk of the St. Petersburg Times a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: HEARING TO PROVIDE FOR COLLECTION OF STORMWATER SPECIAL ASSESSMENTS was published in said newspaper in the issues of City & State, 10/17/2011.

Affiant further says the said St. Petersburg Times is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he/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.

B. Harr

Signature of Affiant

Sworn to and subscribed before me this 17th day of October A.D. 2011

[Signature]
Signature of Notary Public

Personally known X or produced identification
Type of identification produced _____



DANA J. CAMP
BY COMMISSION #10162201
EXPIRES August 16, 2015
Notary Public - Hillsborough County

**CITY OF ST. PETERS BEACH, FLORIDA
NOTICE OF HEARING TO IMPOSE AND PROVIDE
FOR COLLECTION OF STORMWATER RELATED
NON-AD VALOREM SPECIAL ASSESSMENTS**



proach to funding the important program. The first year for this program goes has already been certified for collection on the November, 2011 tax bill. Both assessments are posted in terms of the challenges that stormwater related issues present to the City. No overall increase in the assessment can occur in the future without published and individually mailed notice to each property owner. The City intends that stormwater assessments for fiscal year 2012-13 and each fiscal year thereafter will be collected on the annual property tax bill issued each November by the Pinellas County Tax Collector in which each owner is notified of the assessment and the amount due to pay the assessment will cause a certificate to be issued against the property which may result in a loss of title.

All affected property owners are invited to attend and participate in the November 8, 2011, public hearing and may also be written advisors with the Commission prior to or during the hearing. Anyone wishing to appeal any decision made by the Commission with respect to any matter considered at the hearing will need a record of the proceedings and may need to ensure that a written record is made, including the testimony and evidence upon which the appeal is to be made.

The City expects to collect approximately \$960,000 in the first year through the special assessment described in the report. The assessment to an annual assessment which will continue from year to year. Until paid, the stormwater assessment will constitute a lien against assessed property equal in rank and priority with the liens of estates, county, district, or municipal taxes and other non-ad valorem assessments.

Copies of Resolution No. 2011-18 and the preliminary stormwater non-ad valorem assessment roll are available for inspection at the office of the City Clerk, located at City Hall, 165 Corey Avenue, St. Petersburg, Florida. The preliminary stormwater non-ad valorem assessment roll is also available on the internet at <http://quicksearch.stpete-fl.gov>.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (727) 383-6283.