

RESOLUTION NO. 2023-09-415

A RESOLUTION OF THE CITY COMMISSION OF LYNN HAVEN, FLORIDA, APPROVING THE FISCAL YEAR 2023-24 STORMWATER SERVICE ASSESSMENT ROLL FOR STORMWATER RELATED SERVICES, FACILITIES AND PROGRAMS; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL AND COLLECTION PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; CONFIRMING NOTICE AND IMPOSING AND LEVYING STORMWATER SERVICE ASSESSMENTS; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LYNN HAVEN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City of Lynn Haven, Florida (the "City") is adopted in a manner consistent with Ordinance No. 1102, as amended from time to time (the "Assessment Ordinance"), Resolution No. 2021-07-360 and Resolution No. 2023-08-412, as amended from time to time (the "Initial Assessment Resolution"), Sections 166.021 and 166.041, Florida Statutes, other applicable provisions of law to impose assessments and ultimately collect such assessments through the uniform collection method authorized by Section 197.3632, Florida Statutes.

SECTION 2. DEFINITIONS. This Resolution constitutes the Final Assessment Resolution and Annual Assessment Resolution as defined in the Assessment Ordinance. All capitalized terms in this Resolution not otherwise defined herein shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

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

(A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution imposing special assessments (the "Stormwater Service Assessments") to provide for the annual funding of Stormwater Management Service.

(B) In order to impose Stormwater Service Assessments for the Fiscal Year commencing October 1, 2023, the Assessment Ordinance requires the City Commission

to adopt an Annual or Final Assessment Resolution which confirms or amends the assessment roll.

(C) The Fiscal Year 2023-24 Stormwater Service Assessment Roll (the "2023 Assessment Roll") has heretofore been made available for inspection by the public. All notice required to be provided to a property owner in the manner required by the Uniform Assessment Collection Act and the Assessment Ordinance has been substantially and duly provided.

(D) Notice of a public hearing has been published and mailed, as required by the terms of the Assessment Ordinance, which provides notice to all interested persons of an opportunity to be heard. An affidavit regarding the form of the mailed notice is attached hereto as Appendix A and the proof of publication is attached hereto as Appendix B.

(E) A public hearing was held on September 13, 2023, and comments and objections of all interested persons have been heard and considered. The imposition of Stormwater Service Assessments for stormwater services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Stormwater Management Service Cost among parcels of Assessed Property.

(F) The Stormwater Management Services contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of, and relieve a burden created by and provide a special benefit to Developed Property by acting to treat and control Stormwater generated or contaminated by improvements constructed on Developed Property which resulted in the alternation of such property from its natural state.

(G) The legislative determinations of special benefit and fair apportionment contained in Section 1.04 of the Initial Assessment Resolution are hereby readopted, ratified and confirmed.

(H) Each parcel of Assessed Property within the City will be specially benefited by the City's provision of stormwater services, facilities, and programs in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution.

(I) Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Assessment Ordinance, the Initial Stormwater Resolution and this Final Assessment Resolution from the stormwater services, facilities, or programs to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

SECTION 4. APPROVAL OF ASSESSMENT ROLL; IMPOSITION OF ASSESSMENTS.

(A) The 2023 Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference, is hereby approved and adopted. The certified 2023 Assessment Roll shall be forwarded to the Tax Collector by September 15, 2023, pursuant to Section 197.3632(5), Florida Statutes.

(B) The apportionment approach described in the Rate Study and summarized in Section 3.03 of the Initial Assessment Resolution is hereby approved and adopted.

(C) A special assessment computed in the manner described in the Initial Assessment Resolution is hereby levied and imposed on all Tax Parcels described in the 2023 Assessment Roll in order to fund the Stormwater Management Service Cost for the Fiscal Year commencing October 1, 2023.

(D) Parcels of Assessed Property described in the 2023 Assessment Roll are hereby found to be specially benefited by the provision of the stormwater services, facilities, and programs described or referenced in the Initial Assessment Resolution, based upon an assessment amount for each EBU of \$154.00 for the Fiscal Year commencing October 1, 2023; \$169.00 for the Fiscal Year commencing October 1, 2024; \$177.00 for the Fiscal Year commencing October 1, 2025; \$186.00 for the Fiscal Year commencing October 1, 2026; and \$195.00 for the Fiscal Year commencing October 1, 2027.

(E) Single-family residential properties shall be grouped in tiers as follows:

(1) Single-family residential properties with impervious area between 400 sq. ft. and less than or equal to 2,900 sq. ft. shall be "Tier 1" parcels.

(2) Single-family residential properties with impervious area greater than 2,900 sq. ft. and less than 4,000 sq. ft. shall be "Tier 2" parcels.

(3) Single-family residential properties with impervious area greater than or equal to 4,000 sq. ft. shall be "Tier 3" parcels.

(F) Stormwater Service Assessments for non-single-family residential properties and Vacant Property shall be calculated in accordance with Section 3.03 of the Initial Assessment Resolution.

(G) Stormwater Service Assessments shall constitute a lien upon the Assessed Property so assessed 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.

(H) The following are Exempt Properties and not subject to the Stormwater Service Assessment: (1) public roads and rights-of-way, (2) submerged land, and other naturally occurring water bodies with pervious soil bottoms, (3) public schools, (4) bona-fide agricultural operations, (5) parcels with less than 400 sq. ft. of impervious area, and (6) Government Property owned by the City.

(I) Stormwater Service Assessments against Government Property, except for Government Property owned by the City, shall be, to the maximum extent permitted by law, imposed pursuant to Section 3.04 of the Assessment Ordinance

SECTION 5. COLLECTION OF ASSESSMENTS. The Fiscal Year 2023-24 Stormwater Service Assessment for each individual Tax Parcel shall be collected pursuant to the uniform collection method provided for in the Intent Resolution, Section 3.01 of the Assessment Ordinance, and Section 197.3632, Florida Statutes.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment 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 2023 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 from the date of this Annual Assessment Resolution.

SECTION 7. PROCEDURAL COMPLIANCE.

(A) The Assessment Coordinator has caused to be prepared a preliminary Stormwater Service Assessment Roll that contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on a recently certified Tax Roll prepared and maintained by the Property Appraiser for the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Stormwater Service Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the most recent certified Tax Roll, which will be updated in normal course prior to any certification of the Assessment Roll to the Tax Collector; and

(3) the proposed amount of the total Stormwater Service Assessment reflective of the maximum rate of assessment for each affected Tax Parcel for the fiscal year commencing October 1, 2023, exclusive of adjustment for statutory discounts and anticipated costs of collection and administration.

(B) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to stormwater services, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

(C) The Assessment Roll shall be necessarily updated from time to time in due course, to show changes in parcel configuration or other administrative corrections. In the event the Assessment Coordinator makes any exemptions, administrative or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, funding for such changes to the Assessment Roll shall be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or this Annual Assessment

Resolution.

(D) A public hearing was duly held on September 13, 2023, at the Senior Activity Center, Lynn Haven, Florida, at which time the Commission received and considered information and comments on the Stormwater Service Assessments from City officials, staff, experts and advisors, as well as the public and affected property owners, and then considered imposing Stormwater Service Assessments and the method of collection thereof as required by the Assessment Ordinance.


SECTION 8. DIRECTION AND AUTHORIZATION. The Assessment Coordinator, City Manager, Mayor, City Attorney, and all other City officials, employees, agents, consultants and professionals are each and all directed and authorized to act and undertake all activities on behalf of the City to accomplish all matters necessary to timely achieve the purposes and effect of this Resolution.

SECTION 9. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

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

PASSED, ADOPTED AND APPROVED THIS 13th day of September 2023.


CITY OF LYNN HAVEN, FLORIDA



Jesse Nelson, Mayor

(SEAL)

Attest:

By: 

Vickie Gainer, City Manager-Clerk

APPENDIX A
AFFIDAVIT OF MAILING

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

(1) I am the Managing Consultant of Stantec, a hired consultant of the City of Lynn Haven, Florida (the "City").

(2) On or before August 16, 2023, I facilitated and directed the mailing of notice in accordance with Section 2.05 of City Resolution No. 2023-08-412 (the "Initial Assessment Resolution") and Section 2.06 of City Ordinance No. 1102 (the "Assessment Ordinance"), to each owner of improved real property located within the Stormwater Assessment Area anticipated to be subject to the Stormwater Service Assessments contemplated by the Initial Assessment Resolution, as reflected on, and at the addresses then shown on, the real property assessment tax roll database maintained by the Bay 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.

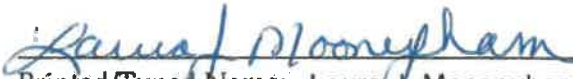
FURTHER AFFIANT SAYETH NAUGHT.



Kelly Westover, affiant

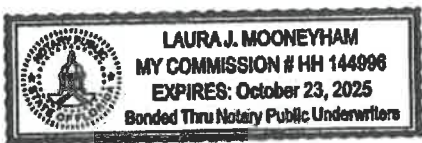
STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 6 day of ~~August~~ ^{September} 2023, by Kelly Westover, Managing Consultant of Stantec. She is personally known to me or has produced _____ as identification and did take an oath.



Printed/Typed Name: Laura J. Mooneyham
Notary Public-State of Florida
Commission Expires: October 23, 2025

(SEAL)



APPENDIX B
PROOF OF PUBLICATION

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Lynn Haven, City Of
Lynn Haven, City Of
825 Ohio AVE
Lynn Haven FL 32444-2351

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Panama City News Herald, published in Bay County, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL, was published on the publicly accessible website of Bay County, Florida, or in a newspaper by print in the issues of, on:

08/18/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/18/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

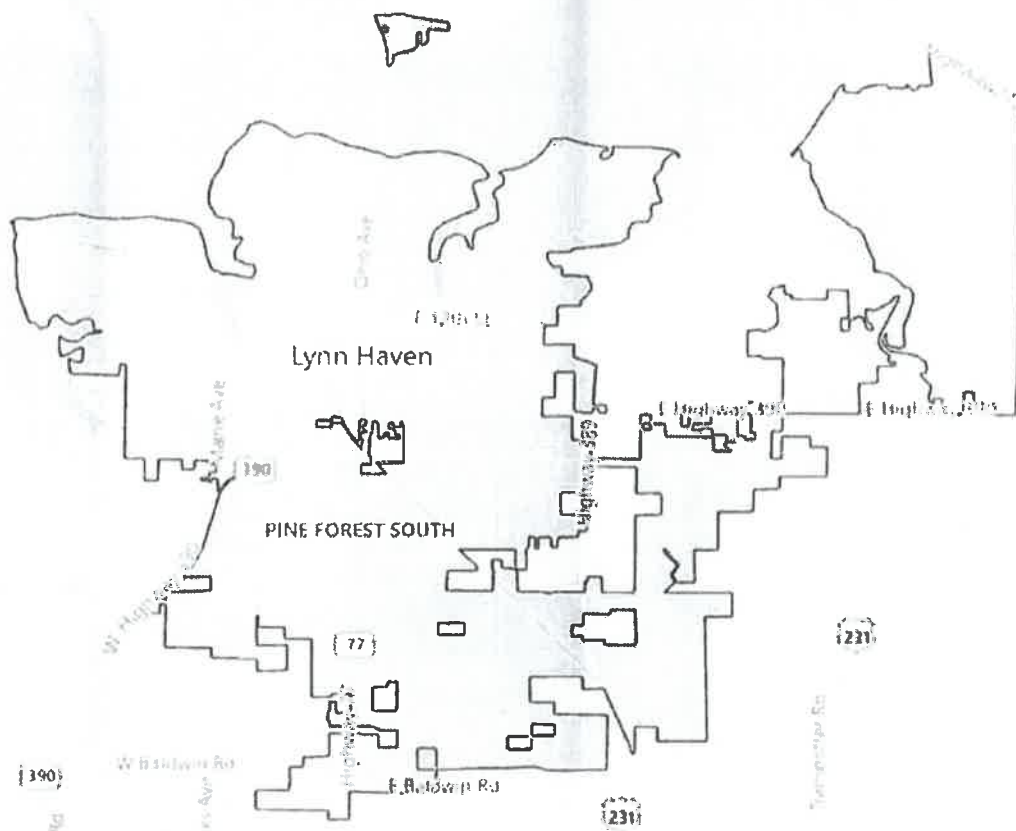
Publication Cost: \$267.29
Order No: 9168314 # of Copies:
Customer No: 536176 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

**NOTICE OF HEARING
TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM SPECIAL
ASSESSMENTS TO FUND IN PART THE COSTS ASSOCIATED WITH STORMWATER
RELATED ESSENTIAL SERVICES AND STORMWATER IMPROVEMENTS**



The property subject to assessment lies within the City of Lynn Haven, Florida.

Notice is hereby given that the City Commission of Lynn Haven, Florida, will conduct a public hearing to consider adoption of a final assessment resolution related to the City of Lynn Haven (the "City") and its stormwater system. The stormwater final assessment resolution will provide for the imposition of special assessments, sometimes characterized as non-ad valorem assessments, against property located within city limits and collection of the assessments by the billing method described in Section 3.02 of City Ordinance No. 1102. **The hearing will be held at 5:30 PM on September 13, 2023 at the Senior Activity Club Facility, 905 Pennsylvania Avenue, Lynn Haven, Florida.** All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within twenty (20) days of this notice.

The assessments have been proposed to fund stormwater related essential services and stormwater improvements throughout the City. The assessment for each tax parcel within the city will be based upon the Equivalent Billing Units or "EBUs" attributable to each tax parcel as of the date the assessments are imposed. A more specific description of the stormwater related services and stormwater improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the City Commission on **August 8, 2023**. Copies of the Initial Assessment Resolution and the preliminary Stormwater Service Assessment Roll are available for inspection at the office of the City Manager-Clerk, located at temporary City Hall, 825 Ohio Avenue, Lynn Haven, Florida. If you have any questions, please contact the City Manager-Clerk's Office at (850) 265-2121.

ANY PERSON WISHING TO ENSURE THAT AN ADEQUATE RECORD OF THE PROCEEDINGS IS MAINTAINED FOR APPELLATE PURPOSES IS ADVISED TO MAKE THE NECESSARY ARRANGEMENTS FOR RECORDING AT HIS OR HER OWN EXPENSE.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY MANAGER-CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT 850-265-2121.