



Town Council Agenda Report

SUBJECT: Resolution

CONTACT PERSON/NUMBER: Chris Wallace, 797-1050

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; CONFIRMING THE IMPOSITION OF FIRE RESCUE ASSESSMENTS AGAINST PARCELS OF PROPERTY LOCATED WITHIN THE TOWN OF DAVIE WHICH WERE EITHER OMITTED FROM THE ASSESSMENT ROLL OR NOT LISTED ON THE TAX ROLL AS OF THE EFFECTIVE DATE OF THE ASSESSMENT ROLL; APPROVING A SUPPLEMENTAL ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The attached resolution is necessary for approval of the fire rescue assessment for properties that were incorrectly coded by the Property Appraiser. The Property Appraiser found the mistake and notified us that a supplemental roll would be needed, as authorized by Ordinance 96-33. The rate of assessment was initially approved on August 5, 1998. In future years, the assessment for these properties will show up on the property tax bills.

PREVIOUS ACTIONS:

not applicable

CONCURRENCES:

not applicable

FISCAL IMPACT:

Has request been budgeted? no

Additional Comments: This is a revenue and will keep the Town from raising its millage for the purpose of providing EMS services.

RECOMMENDATION(S):

Motion to approve the resolution.

Attachment(s):

Resolution

Item No.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; CONFIRMING THE IMPOSITION OF FIRE RESCUE ASSESSMENTS AGAINST PARCELS OF PROPERTY LOCATED WITHIN THE TOWN OF DAVIE WHICH WERE EITHER OMITTED FROM THE ASSESSMENT ROLL OR NOT LISTED ON THE TAX ROLL AS OF THE EFFECTIVE DATE OF THE ASSESSMENT ROLL; APPROVING A SUPPLEMENTAL ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie, Florida, has enacted Ordinance No. 96-33 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the Town; and

WHEREAS, the imposition of a Fire Rescue Assessment for fire rescue services, facilities, and programs each Fiscal Year is an equitable and efficient method of allocating and apportioning Fire Rescue Assessed Costs among parcels of Assessed Property; and

WHEREAS, the Town Council initiated a fire rescue assessment program within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 1996; and

WHEREAS, the Town Council, on August 7, 1996, adopted Resolution No. R-96-254 (the "Initial Assessment Resolution"), containing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property, describing the method of apportioning the Fire Rescue Assessed Cost to compute the Fire Rescue Assessment for fire rescue services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, the Town Council on September 4, 1996, adopted Resolution No. R-96-285 (the "Final Assessment Resolution") which established a rate of assessment and imposed Fire Rescue Assessments against Assessed Property located within the Town of Davie for the Fiscal Year beginning October 1, 1996; and

WHEREAS, the Town Council on September 10, 1997, adopted Resolution No. R-97-303 which reimposed Fire Rescue Assessments against Assessed Property within the Town of Davie for the Fiscal Year beginning October 1, 1997; and

WHEREAS, the Town Council on September 2, 1998, adopted Resolution No. R-98-284 which reimposed Fire Rescue Assessments against Assessed Property within the Town of Davie for the Fiscal Year beginning October 1, 1998; and

WHEREAS, the Town Council on September 1, 1999, adopted Resolution No. R-99-287 which reimposed Fire Rescue Assessments against Assessed Property within the Town of Davie for the Fiscal Year beginning October 1, 1999;

WHEREAS, Section 2.12 of the Ordinance provides that when it shall appear that any Fire Rescue Assessment should have been imposed under the Ordinance against a parcel of property specially benefited by the provision of fire rescue services, facilities, or programs, but that such property was omitted from the Assessment Roll or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Roll approved by the Annual Rate Resolution for any upcoming Fiscal Year, the Town

Council may impose the applicable Fire Rescue Assessment for the Fiscal Year in which such error is discovered; and

WHEREAS, the parcels of property that were either (1) omitted from the Assessment Roll or (2) not listed on the Tax Roll as of the effective date of the Assessment Roll during any portion of the Fiscal Year beginning October 1, 1999, have been identified, included on a supplemental Assessment Roll, and sent a bill in substantially the form attached as Exhibit A hereto; and

WHEREAS, an affidavit of the actual mailing of these notices/bills in accordance with the Ordinance is attached hereto as Exhibit B; and

WHEREAS, a public hearing was held on January 19, 2000, and comments and objections of all interested persons have been heard and considered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance (Ord. 96-33), the Preliminary Rate Resolution (R-99-256), and the Annual Rate Resolution (R-99-287), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution (R-96-254), the Final Assessment Resolution (R-96-285), the Preliminary Rate Resolution (R-99-256), and the Annual Rate Resolution (R-99-287).

SECTION 3. FIRE RESCUE ASSESSMENTS.

(A) The parcels of Assessed Property described in the supplemental Assessment Roll, which is hereby approved, are hereby found to be, or have been, specially benefited by the provision of the fire rescue services, facilities, and programs described in the Preliminary and Annual Rate Resolutions, in the amount of the Fire Rescue Assessment set forth in the supplemental 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 shown on the supplemental Assessment Roll is, or has been, benefited by the Town's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Rescue Assessment for such parcel, computed in the manner set forth in the Ordinance and Preliminary and Annual Rate Resolutions for the applicable Fiscal Year. Adoption of this Resolution constitutes a legislative determination that all such Assessed Properties derive a special benefit as set forth in the Ordinance, the Initial Assessment Resolution and the Final Assessment Resolution, as amended, and the Preliminary and Annual Rate Resolutions, from the fire rescue services, facilities, or programs provided and a legislative determination that the Fire Rescue Assessments imposed hereunder are fairly and reasonably apportioned among the properties receiving such special benefit.

(B) As authorized in Section 2.12 of the Ordinance, Fire Rescue Assessments are levied and imposed for the portion of the Fiscal Year beginning October 1, 1999, against all property which was either omitted from the Assessment Roll or not listed on the Tax Roll as of the effective date of the Assessment Roll for the

Fiscal Year beginning October 1, 1999, in the amount set forth in the supplemental Assessment Roll.

(C) Fire Rescue 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.

(D) The supplemental Assessment Roll as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be collected using the alternative method of collection described in Section 3.02 of the Ordinance. Unless otherwise directed by the Town Council, any delinquencies resulting from such installment option shall be collected pursuant to Section 3.02(E) of the Ordinance.

(F) The supplemental Fire Rescue Assessment shall become due upon adoption of this Resolution and, in accordance with Section 3.02(C) of the Ordinance, shall become delinquent 30 days from such due date.

SECTION 4. 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 and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll (and any supplement thereto) and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Resolution.

SECTION 5. 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 6. CONFLICTS. To the extent that other resolutions or parts of resolutions are in conflict herewith, the other resolutions are hereby repealed to the extent of such conflict.

SECTION 7. EFFECTIVE DATE. This Supplemental Fire Rescue Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 19TH DAY OF JANUARY, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 19TH DAY OF JANUARY, 2000

Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

*****Bill for Fire Rescue Services Assessment*****

TOWN OF DAVIE, FLORIDA

December 29, 1999

Sequence # S-1
Tax Parcel # 100260000300
Legal Description: 26-50-40 BEG AT INTERSEC O

FLAMINGO WEST INC
101 SE 14TH ST
FORT LAUDERDALE FL 33316-1825

In July 1998, the Town Council of the Town of Davie imposed annual assessments for fire rescue services for the Fiscal Year October 1, 1998 - September 30, 1997 and annually thereafter. The purpose of the assessment is to fund fire rescue services benefiting improved property located within Davie. The annual assessments are based on the classification of each parcel of property and number of billing units contained therein. Your property was incorrectly included in the unincorporated area of Broward County instead of the Town of Davie and therefore, the above parcel was omitted from the Assessment Roll for fire rescue services for inclusion on the Fiscal Year 1999-2000 tax bill. This assessment was intended to be included on your tax bill; however, because of the timing of the notification of the error, this separate bill is being mailed for you for this year only to pay your share of the services.

The above parcel is classified as dwelling unit.

The total number of billing units on the above parcel is 1 dwelling unit.

The Fiscal Year 1999-2000 fire rescue assessment for the above parcel is \$37.94.

A public hearing will be held at 7:00 p.m. on January 18, 2000, in the Town Council Chambers of Town Hall, 6591 Orange Drive, Davie, Florida for the purpose of confirming the assessment on the omitted parcels. You and all other 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 bill. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you 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 Director of Administrative Services at (954) 797-1020 at least seven business days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the determination of special benefit and fair apportionment to property, the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

The annual assessments are due and payable on February 18, 2000 and will become delinquent 30 days later. The assessments constitute a lien against the above property equal in rank and dignity with the liens of all state, county, district and municipal taxes and special assessments for the current year. Failure to pay the assessment may cause these assessments to be placed on your November 2000 property tax bill or cause the institution of foreclosure proceedings, either of which may result in a loss of title.

Copies of the authorizing assessment ordinances and the implementing resolutions are available for inspection at the Town Clerk's Office of Town Hall, located at 6591 Orange Drive, Davie, Florida.

If there is a mistake on this bill, it will be corrected. If you have any questions regarding your assessments, please contact the Town at (954) 797-1050, Monday through Friday, between 8:30 a.m. and 5:00 p.m.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Remit to: Town of Davie – Fire Rescue Assessment	Amount Due: \$37.94
Sequence: S-1	
Tax Parcel #: 100260000300	Due Date: February 18, 2000

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Robert Middaugh and Camille S. Gianatasio, who after being duly sworn, depose and say:

1. Robert Middaugh, as Town Administrator of the Town of Davie, Florida ("Town"), pursuant to an agreement involving Government Services Group, Inc. ("GSG") and the authority and direction received from the Town Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Sections 2.03, 2.04, 2.05 and 2.08 of the Fire Rescue Assessment Ordinance adopted by the Town Council on August 7, 1996 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the Town Council on August 4, 1999 (the "Preliminary Rate Resolution"). The Preliminary Rate Resolution directed and authorized notice by First Class Mail only to affected owners in the event circumstances described in Section 2.08(F) of the Ordinance so required.

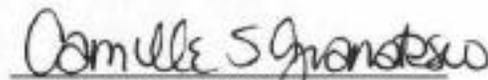
2. Camille S. Gianatasio is Vice President of GSG. GSG has caused the notices required by Sections 2.05 and 2.08 of the Assessment Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the Town expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written

objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before December 29, 1999, GSG mailed or caused to be mailed the above-referenced notices in accordance with Sections 2.05 and 2.08(F) of the Assessment Ordinance and the Preliminary Rate Resolution by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Broward County Property Appraiser for the purpose of the levy and collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before December 29, 1999.

FURTHER AFFIANTS SAYETH NOT.

Robert Middaugh, affiant



Camille S. Gianatasio, affiant

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of January, 2000 by Robert Middaugh, Town Administrator, Town of Davie, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 3rd day of January, 2000 by Camille S. Gianatasio, Vice President, Government Services Group, Inc., a Florida corporation. She is personally known to me or has produced _____ as identification and did take an oath.



Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____



Sandra G. Melgarejo
MY COMMISSION # C0001985 EXPIRES
November 14, 2000
WORLD TRUST TRAVEL INSURANCE, INC.