

RESOLUTION NO. 2016-28

A RESOLUTION OF THE CITY COUNCIL OF NEW PORT RICHEY, FLORIDA, APPROVING THE FISCAL YEAR 2016-17 NON-AD VALOREM ASSESSMENT ROLL FOR STREET LIGHTING SERVICES; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE PASCO COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution of the City Council (the "Council") of the City of New Port Richey, Florida (the "City") is adopted pursuant to Section 2.08 of City Ordinance No. 2012-1985 (the "Assessment Ordinance"), Chapter 197, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Assessment Resolution for Street Lighting Services for the Fiscal Year commencing October 1, 2016 ("Fiscal Year 2016-17"). All capitalized terms not otherwise defined in this Resolution shall have the meanings set forth in the Assessment Ordinance and City Resolution No. 2012-11 (as ratified and confirmed by a resolution adopted on July 17, 2012, the "Initial Assessment Resolution").

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

(A) Through adoption of the Initial Assessment Resolution, the Council provided for the annual imposition of Street Lighting Assessments to fund Street Lighting Services providing a special benefit to the real property located within the City.

(B) Pursuant to Section 2.08 of the Assessment Ordinance, the Council is required to adopt an Annual Assessment Resolution approving the Street Lighting Assessment Roll for each Fiscal Year.

(C) The Council wishes to hereby confirm and approve the Street Lighting Assessment Roll previously approved by the Initial Assessment Resolution, and to direct

certification of same to the Tax Collector for collection of the Assessments in November, 2016.

(D) The Council conducted a public hearing on September 20, 2016, to consider approval and adoption of the Street Lighting Assessment Roll for Fiscal Year 2016-17 and to receive comments from the owners of real property not previously subject to the Street Lighting Assessments, as required by Section 2.08 of the Assessment Ordinance. During such public hearing, objections and comments of all interested persons were heard and considered.

(E) Notice of such public hearing has been provided in accordance with the requirements of Section 2.08 of the Assessment Ordinance. Proof of publication is attached hereto as Appendix A and an affidavit regarding the mailing of notice is attached hereto as Appendix B.

(F) The Street Lighting Assessment Roll for Fiscal Year 2016-17 has heretofore been made available for inspection by the public.

(G) The Assessments are imposed by the City, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

SECTION 4. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLL.

(A) The Street Lighting Service Cost for Fiscal Year 2016-17 is approximately \$371,899. The Street Lighting Assessment Roll for Fiscal Year 2016-17, a copy of which is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved based upon a rate of \$36.24 per ERU.

(B) The Finance Director is hereby authorized and directed to certify the foregoing assessment roll to the Tax Collector prior to September 21, 2016. The assessment roll as delivered to the Tax Collector shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix

C. Notwithstanding anything herein to the contrary, Assessments imposed against Government Property shall be direct billed in accordance with Section 3.04 of the Assessment Ordinance.

SECTION 5. SEVERABILITY. If any clause, section, or other part of this resolution shall be held by any court of competent jurisdiction unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affects the validity of the other provisions in this resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED AND APPROVED this 20th day of September, 2016.

**CITY COUNCIL OF NEW PORT
RICHEY, FLORIDA**

ATTEST:

By: _____
Judy Meyers
City Clerk

By: _____
Robert Marlowe
Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll
City Attorney

APPENDIX A
PROOF OF PUBLICATION

353197

Tampa Bay Times
Published Daily

STATE OF FLORIDA) ss
COUNTY OF Pasco, Hernando & Citrus

Before the undersigned authority personally appeared **Sarah Potts** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: ASSESSMENTS TO FUND** was published in **Tampa Bay Times: 9/11/16**, in said newspaper in the issues of **B North Suncoast**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco, Hernando & Citrus, Florida and that the said newspaper has heretofore been continuously published in said Pasco, Hernando & Citrus, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco, Hernando & Citrus, 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 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

Sarah Potts

Signature of Affiant

Sworn to and subscribed before me this 09/11/2016.

[Signature]

Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____



LEGAL NOTICE

**CITY OF NEW PORT RICHEY
NOTICE OF HEARING
TO IMPOSE AND PROVIDE FOR
COLLECTION OF NON-AD VALOREM
SPECIAL ASSESSMENTS TO FUND
STREET LIGHTING SERVICES**



Notice is hereby given that the City Council of New Port Richey, Florida, will conduct a public hearing to consider adoption of an Annual Assessment Resolution related to the provision and funding of street lighting services. The Annual Assessment Resolution will provide for the imposition of special assessments, sometimes characterized as non-ad valorem assessments, against property located within City limits as shown above and collection of the assessments by the Pasco County Tax Collector pursuant to the tax bill collection method described in Section 3.01 of City Ordinance No. 2012-1985. The assessment is an annual assessment that will continue from year to year. The hearing will be held at 6:00 PM on September 20, 2016 at City Council Chambers of City Hall, City Hall, 5919 Main Street, New Port Richey, Florida 34652. All affected property owners have a right to appear at the hearing and to file written objections with the City Council before or during the hearing.

While some parcels are being assessed for the first time, this is not a new assessment program. The citywide street lighting assessment has been imposed since 2001. The proceeds of the assessment will fund street lighting related essential services, facilities, equipment and improvements throughout the City for the fiscal year commencing October 1, 2016. The assessment will be based upon the number of Equivalent Residential Units ("ERUs") attributable to each tax parcel as of the date the assessments are imposed. The street lighting assessment will be imposed at a rate not to exceed \$36.24 per ERU. A more specific description of the street lighting related services and the method of computing the assessment for each parcel of property are set forth in Resolution No. 2012-11 (the "Initial Assessment Resolution") adopted by the City Council on June 5, 2012. Copies of the Initial Assessment Resolution and the Street Lighting Assessment Roll are available for inspection at the office of the City Clerk, located at City Hall, 5919 Main Street, New Port Richey, Florida 34652. If you have any questions, please contact the City's Finance Director at (727) 853-1053.

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 CLERK AT LEAST FOUR DAYS IN ADVANCE OF THE MEETING AT (727) 853-1024.

9/11/2016

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APPENDIX B
AFFIDAVIT OF MAILING

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

(1) Crystal S. Feast is the Finance Director for the City of New Port Richey, Florida (the "City").

(2) On or before August 3, 2016, I facilitated and directed the mailing of notices in accordance with Section 2.08 of City Ordinance No. 2012-1985 (the "Assessment Ordinance") regarding a public hearing to consider the annual imposition of Street Lighting Assessments to the owners of real property not previously subject thereto, at the addresses shown on the real property assessment tax roll database maintained by the Pasco County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NAUGHT.

Crystal S. Feast, Affiant

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ___ day of _____, 2016, by Crystal S. Feast. She is personally known to me or has produced _____ as identification and did take an oath.

(SEAL)

Printed/Typed Name: _____
Notary Public-State of _____
Commission Expires: _____

APPENDIX C

**FORM OF
CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the Finance Director of the City of New Port Richey, Florida (the "City") and an authorized agent of the City; as such I have satisfied myself that all property included or includable on the Street Lighting Non-Ad Valorem Assessment Roll for such City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Street Lighting Non-Ad Valorem Assessment Roll will be delivered to the Pasco County Tax Collector by September 21, 2016.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Pasco County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of September, 2016.

NEW PORT RICHEY, FLORIDA

By: _____
Authorized Agent