

**CITY OF NEW PORT RICHEY, FLORIDA**

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**STREET LIGHTING ASSESSMENT  
FINAL ASSESSMENT RESOLUTION**

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**Adopted August 29, 2017**

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**RESOLUTION NO. 2017-27**

**A RESOLUTION OF THE CITY COUNCIL OF NEW PORT RICHEY, FLORIDA, RELATING TO THE DELIVERY AND FUNDING OF STREET LIGHTING RELATED ESSENTIAL SERVICES WITHIN THE CITY; AMENDING, RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY STREET LIGHTING MANAGEMENT SERVICES; ESTABLISHING THE METHOD OF ASSESSING ASSOCIATED STREET LIGHTING COSTS AGAINST REAL PROPERTY SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY.** This Resolution of the City of New Port Richey, Florida (the "City") is adopted pursuant to City Ordinance No. 2012-1985 (the "Assessment Ordinance"), City Resolution No. 2017-22 (the "Initial Assessment Resolution"), Sections 166.021, 166.041 and 197.3632, Florida Statutes, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** This Resolution is the Final Assessment Resolution. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

**SECTION 3. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) On July 18, 2017, the Council adopted the Initial Assessment Resolution which described the Street Lighting Services, provided for the funding thereof through Street Lighting Assessments and the method of assessing the cost of such services against the real property located within the City that will be specifically benefited thereby, established a public hearing to consider imposition of the Assessments, directed preparation of the preliminary Street Lighting Assessment Roll and the provision of the notices required by the Assessment Ordinance.

(C) Pursuant to Section 2.07 of the Assessment Ordinance, the Council is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the Council deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) The Street Lighting Assessment Roll has heretofore been filed at the offices of the City Clerk, City Hall, 5919 Main Street, New Port Richey, Florida, and made available for public inspection.

(E) Notice of a public hearing has been published and mailed to each affected property owner notifying such property owner of the opportunity to be heard. The

proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

(F) Such public hearing was duly held on August 29, 2017 and comments and objections of all interested persons have been heard and considered as required by law.

(G) The Assessments contemplated hereunder will be imposed by the Council, 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.

(H) The benefits derived from the Street Lighting Services exceed the amount of the Assessments levied and imposed hereunder. The Assessment for any Tax Parcel subject thereto does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel.

(I) The Council hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Street Lighting Services by fairly and reasonably allocating the Street Lighting Service Cost among specially benefited property.

**SECTION 4. AMENDMENT, RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION**

(A) Section 2.03 of the Initial Assessment Resolution is hereby amended as follows, with additional text indicated by underline and deleted text indicated by strikethrough:

**SECTION 2.03. PUBLIC HEARING.** There is hereby established a public hearing to be held at 6 p.m. on August 4 29, 2017, in City Council Chambers of City Hall, 5919 Main Street, New Port Richey, Florida, at which time the Council will receive and consider any comments on the Stormwater Service Assessments from the public and affected property owners and consider imposing Stormwater Service Assessments and authorizing an alternative manner of collection.

(B) As amended hereunder, the Initial Assessment Resolution is hereby ratified and confirmed.

(C) Any and all prior actions of the Council associated with the imposition of Street Lighting Assessments or similar fees and charges of every nature whatsoever for the forthcoming Fiscal Year and previous Fiscal Years, are hereby approved, ratified and confirmed in their entirety.

**SECTION 5. APPROVAL OF ASSESSMENT ROLL.** The Street Lighting Assessment Roll, which is on file with the City Clerk and incorporated herein by reference, is hereby approved.

**SECTION 6. STREET LIGHTING SERVICE ASSESSMENTS.**

(A) The Tax Parcels described in the Street Lighting Assessment Roll are hereby found to be specially benefited by the provision of Street Lighting Services. The apportionment methodology for the Street Lighting Assessments, as set forth in Section 3.03 of the Initial Assessment Resolution, is hereby approved. Accordingly, a Street Lighting Service Assessment in the amount of \$38.71 per ERU is hereby levied and imposed against each Tax Parcel described in the Street Lighting Assessment Roll.

(B) The Street Lighting Assessment shall 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. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption of this Resolution and shall attach to the property included on the Street Lighting Assessment Roll as of January 1, 2017, the lien date for ad valorem taxes.

**SECTION 7. COLLECTION OF ASSESSMENTS.** The Street Lighting Assessments imposed hereunder shall be collected pursuant to the provisions of the Assessment Ordinance and Uniform Assessment Collection Act. Upon adoption hereof and of the Annual Assessment Resolution for subsequent Fiscal Years, the City Manager shall cause the certification and delivery of the Street Lighting Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. 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.

**SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION.** The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed and apportioned, the Street Lighting Assessment Roll, and the rate of Assessment) unless proper steps are initiated

in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the Council's adoption of this Final Assessment Resolution.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**PASSED, ADOPTED AND APPROVED** 29th day of August, 2017.

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

By: \_\_\_\_\_  
Rob Marlowe, Mayor

(SEAL)

Attest:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

**APPENDIX A**

**PROOF OF PUBLICATION**

**Tampa Bay Times**  
Published Daily

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

Before the undersigned authority personally appeared **Deirdre Almeida** 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: Street Lighting** was published in **Tampa Bay Times: 8/10/17**, 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

Signature of Affiant

Sworn to and subscribed before me this 08/10/2017.

Signature of Notary Public

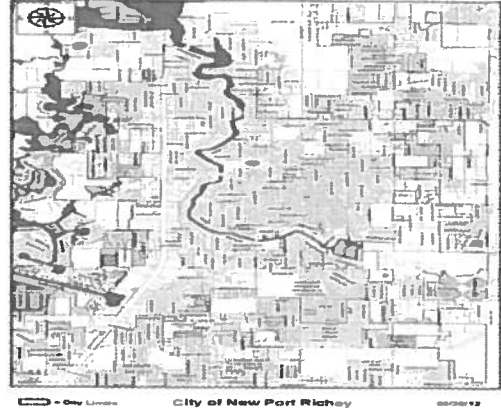
Personally known \_\_\_\_\_ or produced identification

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 a final assessment resolution related to the City of New Port Richey (the "City") and the provision by the City of street lighting services. The Street lighting 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 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 7 PM on August 29, 2017 at in the City Council Chambers, City Hall, 5919 Main Street, New Port Richey, Florida 34652. The public hearing was originally scheduled for August 1, 2017, but was subsequently changed due to restrictions on timing between when public notification is sent out and when the public hearing is held. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within twenty (20) days of this notice.

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 assessments have been proposed to fund street lighting related essential services, facilities, equipment and improvements throughout the City for the fiscal year commencing October 1, 2017. The assessment will be imposed against developed and undeveloped parcels based upon the number of Equivalent Residential Units ("ERUs") attributable to each parcel as of the date the assessments are imposed. If approved by City Council, the street lighting assessment will be imposed at a rate not to exceed \$38.71 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. 2017-22 (the "Initial Assessment Resolution") adopted by the City Council on July 18, 2017. Copies of the Initial Assessment Resolution and the preliminary 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 Finance Department at (727) 853-1016.

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 48 HOURS IN ADVANCE OF THE MEETING AT (727) 853-1024.

**APPENDIX B**

**AFFIDAVIT OF MAILING**

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

(1) \_\_\_\_\_[name] is \_\_\_\_\_ [title] of the City of New Port Richey, Florida (the "City").

(2) On or before \_\_\_\_\_, 2017, the City provided mailed notices, in accordance with Section 2.06 of City Ordinance No. 2012-1985 and Section 2.05 of City Resolution No. 2017-21 (the "Initial Assessment Resolution"), by first class mail to each owner of real property located within the City subject to the Street Lighting Service Assessments contemplated by the Initial Assessment Resolution, as reflected on, and at the addresses shown on, the real property ad valorem tax roll database maintained by the Pasco County Property Appraiser.

**FURTHER AFFIANT SAYETH NAUGHT.**

\_\_\_\_\_  
[name], **affiant**

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing Affidavit of Mailing was sworn to and subscribed before me this \_\_\_\_ day of August, 2017, by \_\_\_\_\_. [He/She] is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

(SEAL)

\_\_\_\_\_  
Printed/Typed Name: \_\_\_\_\_  
Notary Public-State of Florida at Large  
Commission Expires: \_\_\_\_\_

**APPENDIX C**

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

I HEREBY CERTIFY that I am the City Manager of the City of New Port Richey, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the City's Street Lighting service non-ad valorem assessment program (the "Non-Ad Valorem Assessment Roll") 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 Non-Ad Valorem Assessment Roll will be delivered to the Pasco County Tax Collector by September 15, 2017.

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 \_\_\_\_\_ 2017.

**NEW PORT RICHEY, FLORIDA**

By: \_\_\_\_\_  
City Manager