

**CITY COMMISSION
SPECIAL MEETING
OFFICIAL AGENDA
September 11, 2018
6:00 p.m.**

**Municipal Administration Building
Commission Chambers
201 W Central Avenue
Lake Wales, FL 33853**

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS & PETITIONS
4. AGENDA ITEM
 - 4.I. PROCLAMATION - Constitution Week

Documents:

[CONSTITUTION WEEK 2018 LW CHAPTER OF DAR.PDF](#)

- 4.II. RESOLUTION 2018-18: Final Assessment Resolution For Fire Protection Assessments
The adoption of Resolution 2018-15 established the methodology used to calculate the fire assessment rates. Adoption of Resolution 2018-18 will set the final assessment rates.

Documents:

[MEMO - FIRE ASSESSMENT RESOLUTION 2018-18.PDF](#)
[FINAL ASSESSMENT RESOLUTION 2018-18.PDF](#)
[APPENDIX A FIRE ASSESSMENT.PDF](#)
[APPENDIX B PROOF OF PUBLICATION.PDF](#)
[APPENDIX C CETIFICATE TO NON-AD VALOREM ASSESSMENT ROLLS.PDF](#)

- 4.III. Resolutions No. 2018-19, Final Rate Resolution – Brookshire Street Lighting District.
Final Rate Resolution for the Brookshire Street Lighting District

Documents:

[004 - MEMO - FINAL RATE RESOLUTION - SEPT MEETING.PDF](#)
[005 - BROOKSHIRE - FINAL ASSESSMENT RATE RESOLUTION - SEPT MEETING.PDF](#)

5. ADJOURNMENT

PROCLAMATION

WHEREAS, September 17, 2018 marks the two hundred thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through September 23 as Constitution Week; and

NOW, THEREFORE, I, Eugene Fultz, by virtue of the authority vested in me as Mayor of the City of Lake Wales, in the State of Florida, do hereby proclaim September 17-22, 2018 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Lake Wales, Florida to be affixed this 11th day of September 2018.

Mayor Eugene Fultz

MEMORANDUM

August 20, 2018

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Joe Jenkins, Fire Chief

RE: Resolution 2018-18 / Final Assessment Resolution for Fire Protection Assessments

SYNOPSIS: The adoption of Resolution 2018-15 established the methodology used to calculate the fire assessment rates. Adoption of Resolution 2018-18 will set the final assessment rates.

RECOMMENDATION

It is recommended that the City Commission set the final Fire Protection Assessment rates and adopt Final Assessment Resolution 2018-18 providing for Fire Protection Assessments for fiscal year beginning October 1, 2018.

BACKGROUND

On June 5, 2018, the City Commission adopted Resolution 2018-15 which set the initial Fire Protection Assessment rates. Resolution 2018-15 established the Fire Protection Assessment rates as follows:

45.25% funding		\$1,024,904 estimated net revenue	
Property Category	Assessment Rate		
Single-Family	Per dwelling unit \$146		
Multi-Family	Per dwelling unit \$72		
Mobile Home	Per dwelling unit \$129		
Property Category	Assessment Rate		
Commercial	Per Sq Ft	\$.06	
Industrial/Warehouse	Per Sq Ft	\$.01	
Institutional	Per Sq Ft	\$.08	

OTHER OPTIONS

Rely solely on ad valorem taxes to fund fire protection services, equipment and programs.

FISCAL IMPACT

The Fire Protection Assessment will create a dedicated funding source for fire protection services. While the Fire Protection Assessment will not completely fund fire protection services, it will fund 45.25% of the fire department's assessable budget.

ATTACHMENTS

Resolution 2018-18

**RESOLUTION 2018-18
Final Assessment Resolution
(FY 2018-19)**

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF LAKE WALES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake Wales, Florida, has enacted Ordinance 2008-26 (the "Ordinance"), which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the City; and

WHEREAS, the reimposition of a Fire Protection Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Fire Protection Assessed Costs among parcels of Assessed Property; and

WHEREAS, the City desires to reimpose a fire protection assessment program in the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning October 1, 2018; and

WHEREAS, the City, on June 5, 2018, adopted Resolution No. 2018-15, (the "Preliminary Assessment Resolution"); and

WHEREAS, the Preliminary Assessment Resolution contains a brief and general description of the fire protection services, facilities, and programs to be provided to Assessed Property; describes the method of apportioning the Fire Protection Assessed Costs to compute the Fire Protection Assessment for fire protection services, facilities, and programs against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Preliminary Assessment Resolution, corrected as needed and with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 11, 2018, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Wales, Florida:

SECTION 1. **RECITALS.** The foregoing recitals are legislative findings of the Lake Wales City Commission and are true and correct, and are incorporated herein by reference.

SECTION 2. **AUTHORITY.** This Resolution is adopted pursuant to Ordinance 2008-26; the Preliminary Assessment Resolution (Resolution No. 2018-15); Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 3. **DEFINITIONS AND INTERPRETATION.** This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the Preliminary Assessment Resolution.

SECTION 4. REIMPOSITION OF FIRE PROTECTION ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire protection services, facilities, and programs described or referenced in the Preliminary Assessment Resolution in the amount of the Fire Protection Assessment set forth in the updated 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 within the City will be specially benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment for such parcel, computed in the manner set forth in the Preliminary Assessment Resolution. Adoption of this Annual Rate 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 Ordinance and Preliminary Assessment Resolution for the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Preliminary Assessment Resolution.

(B) The method for computing Fire Protection Assessments described and referenced in the Preliminary Assessment Resolution is hereby approved. The apportionment methodology described and adopted in the Preliminary Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2018, the estimated Fire Protection Assessed Cost to be assessed is \$1,152,830.00. The Fire Protection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2018, are hereby established as follows:

Residential Property Use Categories	Rate Per Dwelling Unit
Single-Family	\$146.00
Multi-Family	\$72.00
Mobile Home	\$129.00

Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.06
Industrial/Warehouse	\$0.01
Institutional	\$0.08

(D) The above rates of assessment are hereby approved. Fire Protection Assessments for fire protection services, facilities, and programs in the amounts set forth in the Fire Protection Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Fire Protection Assessment Roll for the Fiscal Year beginning October 1, 2018.

(E) Institutional Property whose use is wholly exempt from ad valorem taxation under Florida law provides facilities and uses to their ownership, occupants, and membership as well as the public in general that otherwise might be requested or required to be provided by the City and such property uses serve a legitimate public purpose and provide a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon Buildings located upon such parcels of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law. Accordingly, no Fire Services Assessments shall be imposed upon Institutional Buildings located upon a parcel of Institutional Property whose Building Use is wholly exempt from ad valorem taxation under Florida law.

(F) Government Property provides facilities and uses to the community, local constituents, and the public in general that serve a legitimate public purpose and provides a public benefit. Therefore, it is fair and reasonable not to impose Fire Services Assessments upon such parcels of Government Property.

(G) Government Property that is owned by federal government mortgage entities, such as the VA and HUD due to foreclosures, are not serving a governmental purpose or providing a public benefit but are instead being held by these federal government mortgage entities in a proprietary capacity. Accordingly, these properties shall not be considered Government Property for purposes of the Fire Services Assessments and shall not be afforded an exemption from the Fire Services Assessment that is granted to other Government Property.

(H) As authorized in Section 10.5-17 of the Ordinance, interim Fire Protection Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(I) Fire Protection 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.

(J) The Fire Protection Assessment for the fiscal year beginning October 1, 2018, shall be collected as authorized in Section 10.5-18 of Ordinance 2008-26 and Section 14 of the Preliminary Assessment Resolution, using the uniform method provided in the Uniform Assessment Collection Act for collection of the Fire Protection Assessment. 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 5. **EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Annual Rate 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 the levy and lien of the Fire Protection 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 Rate Resolution.

SECTION 6. **CONFIRMATION OF PRELIMINARY ASSESSMENT RESOLUTION.** The Preliminary Assessment Resolution is hereby confirmed.

SECTION 7. **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 affecting the validity of the other provisions of this Resolution.

SECTION 8. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its passage and adoption.

PASSED and **ADOPTED** this 11th day of September, 2018, by the City Commission of the City of Lake Wales, Florida, at a regular (rescheduled) Commission meeting.

Eugene L. Fultz, Mayor

ATTEST:

City Clerk

Approved as to form and legality:

Albert C. Galloway, Jr., City Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Kenneth Fields, who, after being duly sworn, deposes and says:

1. Kenneth Fields, as City Manager of the City of Lake Wales, Florida ("City"), pursuant to the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Fire Protection Assessment Ordinance adopted by the City Commission on August 4, 2008 (the "Assessment Ordinance") in conformance with the Preliminary Rate Resolution adopted by the City Commission on June 5, 2018 (the "Preliminary Rate Resolution"). The Preliminary Rate Resolution directed and authorized notice pursuant to the Uniform Assessment Collection Act as provided in Section 10.5-18 of the Assessment Ordinance.

2. In accordance with the Assessment Ordinance, Mr. Fields timely provided all necessary information for notification of the Fire Protection Assessment to the Property Appraiser of Polk County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: 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 City 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.

FURTHER AFFIANT SAYETH NOT.

Kenneth Fields

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Affidavit of Mailing was sworn to and subscribed before me this day of 8/21, 2018 by Kenneth Fields, City Manager, City of Lake Wales, Florida. He is personally known to me or has produced — as identification and did take an oath.

Printed Name: Zaillet Suri
Notary Public, State of Florida
At Large
My Commission Expires: 10/5/18
Commission No. FF165844



AFFIDAVIT OF PUBLICATION NEWS CHIEF Lakeland, Polk County, Florida

**STATE OF FLORIDA)
COUNTY OF POLK)**

Before the undersigned authority personally appeared David Idleburgh who on oath says that he is an Account Executive for Advertising at The Ledger, the owner of News Chief, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

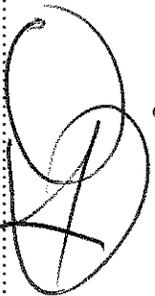
In the matter **FIRE PROTECTION SERVICES**

Concerning **SPECIAL ASSESSMENTS**

was published in said newspaper in the issues of

8-20 : 2018

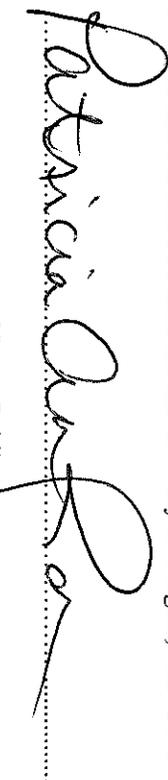
Affiant further says that said The News Chief is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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.

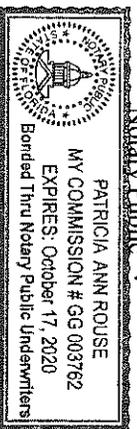
Signed.....


David Idleburgh
Advertising Account Executive
Who is personally known to me.

Sworn to and subscribed before me this 23rd day of August, A.D. 2018

Notary Public





NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Lake Wales, will conduct a public hearing to consider imposing fire services special assessments for the provision of fire protection services within the City for the fiscal year beginning October 1, 2018.

The hearing will be held at 6:00 p.m. or as soon thereafter, as possible on September 11, 2018, in the Commission Chambers at the City Administration Building, 201 W. Central Avenue, Lake Wales, Florida, for the purpose of receiving public comment on the proposed assessments.

All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person 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 of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, no later than seven (7) days prior to the proceedings; telephone (863) 678-4182 for assistance. If hearing impaired, telephone the Florida Relay Service numbers: (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.

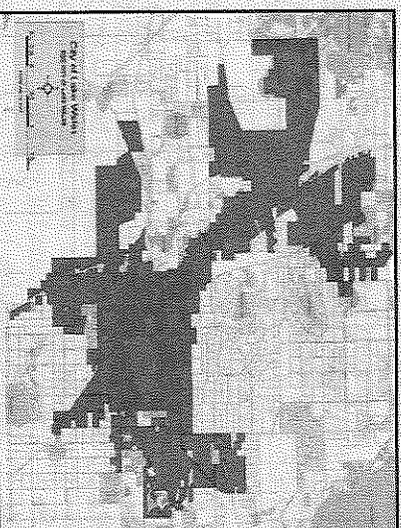
The assessments for each parcel of property will be based upon each parcel's Property Use classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire services assessment schedule being considered by City Commission for the fiscal year beginning October 1, 2018:

Fire Protection Services Assessment Rates	
Residential Property Use Category	Rate Per Dwelling Unit
Single-Family	\$146
Multi-Family	\$72
Mobile Home	\$129
Non-Residential Property Use Categories	
Commercial	\$.06
Industrial/Warehouse	\$.01
Institutional	\$.08

Copies of the Fire Protection Services Special Assessment Ordinance, the previously adopted Fire Protection Services Special Assessment Resolutions, the current Preliminary Assessment Resolution reimposing the fire protection services assessment, the preliminary Assessment Roll and other documentation related to the proposed Fire Protection Services special assessment are available for inspection at the City Manager's office located at the City Administration Building, 201 W. Central Avenue, Lake Wales, Florida between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

The assessments will be collected through the property tax bill to be mailed by the Polk County Tax Collector. Failure to pay the assessment could result in foreclosure proceedings against your property, as well as the initiation of proceedings to compel payment by any means authorized by law, including a process that would result in a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City at (863) 678-4182 between 8:00 a.m. and 5:00 p.m., Monday through Friday.



**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLLS**

I HEREBY CERTIFY that, I am the City Manager or authorized agent of the City of Lake Wales, Florida (the "City"); as such I have satisfied myself that all property included or includable on the **Lake Wales Non-Ad Valorem Assessment Roll** for fire protection 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 Polk County Tax Collector by September 15, 2018.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Polk County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this the ____ day of September, 2018.

CITY OF LAKE WALES, FLORIDA

By: _____

[to be delivered to Tax Collector prior to September 15]

	# Records	Total Assessment
City of Lake Wales	Fire Protection Services	

MEMORANDUM

September 11, 2018

TO: Honorable Mayor and City Commission

VIA: Kenneth Fields, City Manager

FROM: Veronica Sepulveda, Accountant II
Dorothy Ecklund, Finance Director

RE: Resolutions No. 2018-19, Final Rate Resolution – Brookshire Street Lighting District.

SYNOPSIS: *Final Rate Resolution for the Brookshire Street Lighting District*

RECOMMENDATION

It is recommended that City Commission adopt Resolution No. 2018-19 providing the Final Rate Resolution for the Brookshire Street Lighting District.

BACKGROUND

In 2010, the City of Lake Wales received a petition requesting the creation of a Street Lighting District for the Brookshire subdivision. The District includes the thirty-one (31) decorative street lighting poles. Eighty-seven (87) platted lots are within the street lighting district and the estimated annual street lighting costs are \$13,485. The estimated annual charge per plated lot is \$155.

OTHER OPTIONS

Do not approve Brookshire Street Lighting District special assessment.

FISCAL IMPACT

Annual estimated assessment revenue of \$13,485 is expected to pay all street lighting costs relating to the services, facilities and programs within the Brookshire Street Lighting District.

ATTACHMENTS

Resolution 2018-19

RESOLUTION 2018-19

A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, RELATING TO THE PROVISION OF STREET LIGHTING SERVICES AND FACILITIES WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT IN THE CITY OF LAKE WALES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; CONFIRMING THE PRELIMINARY ASSESSMENT RESOLUTION; REIMPOSING BROOKSHIRE STREET LIGHTING ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE BROOKSHIRE STREET LIGHTING DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lake Wales, Florida (the "City"), has enacted Ordinance 2010-10, which authorizes the annual imposition of Street Lighting Assessments for the cost of provision of street lighting services, facilities or programs, which provide a special benefit to assessed properties within the City; and

WHEREAS, the reimposition of a Brookshire Street Lighting Assessment for street lighting services and facilities within the Brookshire Street Lighting District each year is an equitable and efficient method of allocating and apportioning street lighting costs among parcels of Assessed Property; and

WHEREAS, the City desires to reimpose a street lighting assessment program in the Brookshire development located within the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning October 1, 2018; and

WHEREAS, the City, on June 5, 2018, adopted Resolution No 2018-14, (the Preliminary Assessment Resolution); and

WHEREAS, the Preliminary Assessment Resolution contains a brief and general description of the street lighting services and program to be provided to Assessed Property; describes the method of apportioning the Street Lighting Assessment Costs, estimates the rate of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance.

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Preliminary Assessment Resolution, corrected as needed and with such amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be heard; and

WHEREAS, a public hearing was held on September 11, 2018, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are legislative findings of the Lake Wales City Commission and are true and correct, and are incorporated herein by reference.

Section 2. Authority. This Resolution is adopted pursuant to the provisions of the Special Assessment Ordinance (Ordinance 2010-10), the Preliminary Assessment Resolution (Resolution 2018-14), Article VIII, Section 2(b), Florida Constitution, §§ 166.021 and 197.3632, Florida Statutes, and other applicable provisions of law.

Section 3. Effect of Adoption of Resolution. The adoption of this Annual Rate 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 the levy and lien of the Brookshire Street Lighting Assessments), unless proper steps shall be initiated in the a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

Section 4. Reimposition of Brookshire Street Lighting Assessment. The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefitted by the provision of street lighting services, facilities or programs within the Brookshire development.

Section 5. Confirmation of Preliminary Assessment Resolution. The Preliminary Brookshire Street Lighting Assessment Resolution is hereby confirmed.

Section 6. 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 affecting the validity of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Commission of the City of Lake Wales, Polk County, Florida, at a regular Commission meeting, this 11th day of September, 2018.

CITY OF LAKE WALES

BY:

Eugene Fultz, Mayor

ATTEST:

City Clerk

Approved as to form:

Albert C. Galloway, Jr., City Attorney
City of Lake Wales