

RESOLUTION 27-2007

A RESOLUTION OF THE CITY OF KISSIMMEE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF KISSIMMEE, FLORIDA, AMENDING THE INITIAL ASSESSMENT RESOLUTION, IMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007; APPROVING THE RATE OF ASSESSMENT, APPROVING THE ASSESSMENT ROLL, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Kissimmee, Florida (the "City Commission"), has enacted Ordinance No. 2652 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the City;

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 the Fire Rescue Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to implement a Fire Rescue Assessment program and impose a Fire Rescue Assessment in the City using the procedures provided by the Ordinance for the Fiscal Year beginning on October 1, 2007;

WHEREAS, the City Commission, on August 21, 2007, adopted Resolution No. 21-2007 (the "Initial Assessment Resolution");

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the fire rescue services, facilities, and programs to be provided to Assessed Property; describes 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; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to impose Fire Rescue Assessments for the Fiscal Year beginning October 1, 2007, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates of assessment and approves the Assessment Roll for the upcoming Fiscal Year, with such

FINANCE ✓
9-28-07

amendments as the City Commission deems appropriate, after hearing comments and objections of all interested parties;

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

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;

WHEREAS, a public hearing was held on September 25, 2007, and comments and objections of all interested persons have been heard and considered as required by the terms of this Ordinance;

WHEREAS, in consideration of comments and objections of interested persons during the notice period and at the public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to Ordinance No. 2652; Resolution No. 21-2007; Article VIII, Section 2, Florida Constitution; sections 166.02 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This resolution constitutes the Final Assessment Resolution as defined in Ordinance No. 2652. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution, as amended and supplemented hereby.

SECTION 3. IMPOSITION OF FIRE RESCUE 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 rescue services, facilities, and programs described or referenced in the Initial Assessment Resolution, as amended, in the amount of the Fire Rescue Assessment set forth in the 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 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 Initial Resolution, as amended. 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 Ordinance, and the Initial Assessment Resolution from the fire rescue services, facilities, or programs to be provided and a legislative determination that the Fire Rescue Assessment are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

- (B) The method for computing Fire Rescue Assessment described and referenced in the Initial Assessment Resolution is hereby approved. The Parcel Apportionment Methodology described in Appendix E of the Initial Assessment Resolution, and adopted in Section 7 of the Initial Assessment Resolution, is hereby approved.
- (C) For the Fiscal Year beginning October 1, 2007, the estimated Fire Rescue Assessed Cost to be assessed is \$3,000,000.00. The Fire Rescue Assessment to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2007, are hereby established as follows:

RESIDENTIAL ASSESSMENT

<u>Residential Property Use Category</u>	<u>Rate Per Dwelling Unit</u>	<u>Annual Assessment</u>
All	\$73.00	\$73.00

NON-RESIDENTIAL ASSESSMENT

<u>Non-Residential Property Use Category</u>	<u>Minimum Sq Ft</u>	<u>Rate Per Sq Ft</u>	<u>Minimum Annual Assessment *</u>
All	1,000	\$00.088	\$88.00

* Units greater than 1,000 square feet shall be computed by multiplying the total square footage by the rate per unit.

- (D) The above rates of assessment are hereby approved. Fire Rescue Assessment for fire rescue services, facilities, and programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2007.
- (E) Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessment.
- (F) As authorized in Section 6-2-22 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.
- (G) 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.
- (H) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in Ordinance No. 2652, shall be billed, collected, and enforced pursuant to the alternative method of collection described in Section 6-2-31 of the Ordinance and Section 10 of the Initial Assessment Resolution. The City Commission hereby directs the City Manager to mail said bills no later than the close of the first quarter of the calendar year of 2008.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as modified, amended and supplemented herein, is hereby confirmed.

SECTION 5. 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 assessments, the Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court

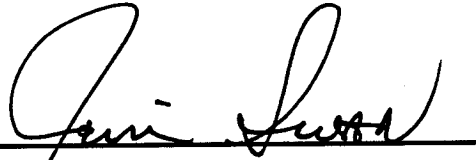
of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

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 effecting the validity of the other provisions of this Resolution.

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

PASSED AND ADOPTED THIS 25 day of September, 2007.

CITY OF KISSIMMEE

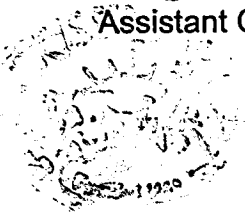


Jim Swan
Mayor-Commissioner

ATTEST:



Desiree S. Matthews
Assistant City Manager/City Clerk



AFFIDAVIT OF MAILING

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

1. Mark Durbin, as City Manager of the City of Kissimmee, Florida, pursuant to Ordinance No. 2652, and the authority and direction received from the City Commission, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notice in accordance with the Fire Rescue Assessment Ordinance adopted by the City Commission on June 19, 2007 (the "Assessment Ordinance") and in conformance with the Initial Assessment Resolution 21-2007 adopted by the City Commission on August 21, 2007 (the "Initial Assessment Resolution").
2. An exemplary form of such notice is attached hereto. I have 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 total revenue the City expects to collect by the assessment; 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.

Mark Durbin

Mark Durbin
City Manager
Affiant

**STATE OF FLORIDA
COUNTY OF OSCEOLA**

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 20 day of September, 2007 by Mark Durbin, who is the city MANAGER. She is personally known to me or has produced as identification and did not take an oath.

Stamp:

Suzanne Negron
Printed Name Suzanne Negron
My Commission Expires:

Commission # DD 435556

SUZANNE NEGRON
Notary Public, State of Florida
My comm. exp. Sept. 23, 2009
Comm. No. DD 435556

AFFIDAVIT OF MAILING

Before me, the undersigned authority, personally appeared Frank LaRocco, who depose and say:

1. Frank LaRocco is the Senior Marketing Representative of TC Specialties. TC Specialties has caused the notices, an exemplary form of such notice is attached hereto, pursuant to Resolution No. 21-2007, to be timely mailed to each affected property owner. On or before September 4th, 2007, TC Specialties mailed the above-referenced notices, in accordance with Resolution No. 21-2007 by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Osceola County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

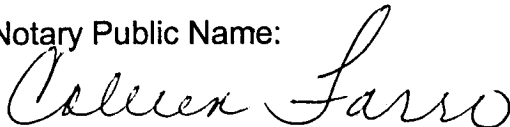


Frank LaRocco
Senior Marketing Representative

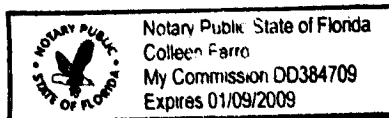
State of Florida
County of Osceola

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 28th day of August, 2007 by Frank LaRocco, Senior Marketing Representative. He is personally known to me or has produced _____ as identification and did not take an oath.

Notary Public Name:



Stamp:



PROOF OF PUBLICATION

**STATE OF FLORIDA,
COUNTY OF OSCEOLA**

Before me, the undersigned authority, personally appeared Paula A. Stark, who on oath says that she is Publisher of the Osceola News-Gazette, a twice weekly newspaper published at Kissimmee, in Osceola County, Florida; that the attached copy of the advertisement was published weekly in the regular and entire edition of said newspaper in the issues of:

Thursday August 23
2007

Affiant further says that the Osceola News-Gazette is a newspaper published in Kissimmee, in said Osceola County, Florida, and that the said newspaper has heretofore been continuously published in said Osceola County, Florida, each week and has been entered as periodicals postage matter at the post office in Kissimmee, in said Osceola 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.

Paula A. Stark

Sworn to and subscribed before me by Paula A. Stark, who is personally known to me, this *23rd* day of

August, 20*07*.

Carol L. Gorrell

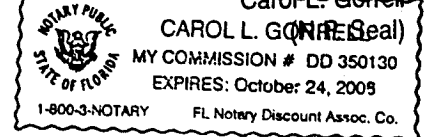


EXHIBIT "B"