

## RESOLUTION NO. 2021-34

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES STATING THE INTENT OF THE TOWN TO USE THE UNIFORM METHOD, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; ADOPTING FINDINGS; PROVIDING FOR ADVERTISING FOR A PUBLIC HEARING, FOR HOLDING A PUBLIC HEARING, AND FOR MAILING OF THIS RESOLUTION; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR THE FINANCING, CONSTRUCTION AND OTHER RELATED COSTS OF WASTEWATER AND WATER FACILITIES; PROVIDING A LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE TOWN'S NORTHERN UTILITY SERVICE AREA SUBJECT TO THE LEVY OF NON-AD VALOREM ASSESSMENTS FOR WATER AND SEWER FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council (the "Council") of the Town of Lake Clarke Shores (the "Town") has determined that the expansion of water treatment and distribution services ("water services") and wastewater collection and treatment services ("sewer services") within the Town should be expanded to include additional areas within the area known as the Northern Utility Service Area; and

**WHEREAS**, the provision of such water and sewer services to additional areas within the Northern Utility Service Area will require construction of additional capital facilities by the Town ("water and sewer facilities") and will require financing of costs related to such capital facilities; and

**WHEREAS**, the Council has determined that the imposition of non-ad valorem assessments will be necessary to provide funds for construction of needed water and sewer facilities and intends to use the uniform method of collecting and enforcing such non-ad valorem assessments; and

**WHEREAS**, Chapter 197, Florida Statutes, sets forth certain requirements which must be met by the Town to use said uniform method of collecting and enforcing its non-ad valorem assessments; and

**WHEREAS**, in accordance with Section 197.3632, Florida Statutes, the Town has caused to be published in the Lake Worth Herald, a newspaper of general circulation within the county within which the Town is located, weekly, for four consecutive weeks prior to the date of the adoption of this Resolution, a notice of the Town's intent to hold a public hearing on December 14, 2021 at 6:30 P.M. at the Town Hall located at 1701 Barbados Road, Lake Clarke Shores, Florida 33406, for the

purpose of notifying the public of the Town's intent to adopt and use Chapter 197, Florida Statutes, uniform method of collecting non-ad valorem assessments; and

**WHEREAS**, the Town Council of the Town of Lake Clarke Shores, in accordance with the aforementioned published notice, did hold a public hearing on December 14, 2021 at 6:30 P.M. at Town Hall, located at 1701 Barbados Road, Lake Clarke Shores, Florida 33406; and

**WHEREAS**, the Town Council of the Town of Lake Clarke Shores has determined that it is in the best interest of the Town, and the owners of property within the Northern Utility Service Area, for the Town to elect to use the uniform method of collecting non-ad valorem assessments as provided in Section 197.3632, Florida Statutes;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES AS FOLLOWS:**

**SECTION 1.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct findings and are hereby incorporated and made a part hereof.

**SECTION 2.** The uniform method of collecting and enforcing non-ad valorem assessments as authorized by Section 197.3632, Florida Statutes, is hereby approved and adopted for use by the Town of Lake Clarke Shores in relation to the construction of water and sewer facilities within the Northern Utility Service Area.

**SECTION 3.** The non-ad valorem assessments are anticipated to be assessed and levied by the Town beginning with the tax bills issued in November 2022 to provide necessary funds for the construction of water and sewer facilities within the Northern Utility Service Area, including, but not limited to, costs such as design, engineering, land acquisition, and financing. Such non-ad valorem assessments will continue annually until determined by the Town as no longer necessary.

**SECTION 4.** The uniform method of collecting non-ad valorem assessments and the levy of new non-ad valorem assessments shall, to the extent authorized by law, apply to all or any portion of the lands located within the Northern Utility Service Area within the boundaries of the Town of Lake Clarke Shores, with said Northern Utility Service Area boundaries described in attached Exhibit "A" which is incorporated herein and made a part hereof.

**SECTION 5.** Proof of advertising of the December 14, 2021 public hearing is attached hereto as Exhibit "B".

**SECTION 6.** Upon adoption, the Town Clerk is hereby directed to send a certified copy of this Resolution, including Exhibits "A" and "B" attached thereto, by United States mail to the Palm Beach County Property Appraiser, Palm Beach County Tax Collector, and the Florida Department of Revenue on or before January 10, 2022.

**SECTION 7.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of December, 2021.

	FOR	AGAINST
BY: _____ Paul R. Shalhoub, Mayor	_____	_____
_____	_____	_____
Robert M. W. Shalhoub, Vice Mayor	_____	_____
_____	_____	_____
Gregory Freebold, President Pro Tem	_____	_____
_____	_____	_____
Valentin Rodriguez, Jr., Council Member	_____	_____
_____	_____	_____
Albert Pavon, Council Member	_____	_____

ATTEST:

BY: \_\_\_\_\_  
Mary Pinkerman, CMC  
Town Clerk

Res 2021-34 sponsored by the Town Council