

RESOLUTION NO. 2001-82

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; ESTABLISHING THE RATE OF ASSESSMENT; IMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SOUTHWEST RANCHES; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of Southwest Ranches, Florida, has enacted Ordinance No. 2001-09 (the "Ordinance"), which authorizes the imposition of Fire Rescue Assessments for fire rescue services, facilities, and programs against Assessed Property located within the Town; and

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 Fire Rescue Assessed Costs among parcels of Assessed Property; and

WHEREAS, the Town Council desires to initiate a fire rescue assessment program within the Town using the tax bill collection method under the Uniform Assessment Collection Act for the fiscal year beginning on October 1, 2001; and

WHEREAS, the Town Council on July 12, 2001, adopted Resolution No. 2001-74 (the "Initial Assessment Resolution") containing and referencing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property, describing 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, estimating a rate of assessment, and directing the preparation of the Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the Town is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the Town Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the updated 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 example of the TRIM 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 10, 2001, 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 Town Council of the Town of Southwest Ranches, Florida:

Section 1: AUTHORITY. This Resolution is adopted pursuant to Ordinance No. 2001-09, Resolution No. 2001-74 (the "Initial Assessment Resolution"), Sections 166.021 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 the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in such Ordinance and the Initial Assessment Resolution.

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, 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 Town will be specially benefited by the Town'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 Assessment Resolution. 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 Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method of computing Fire Rescue Assessments described or referenced in the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2001, the estimated Fire Rescue Assessed Costs to be assessed is \$484,368. The Fire Rescue Assessments 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, 2001, are hereby established as follows:

PROPERTY USE CATEGORY	BILLING UNIT TYPE	FY 2001-02
RESIDENTIAL	Rate Per Residential Unit	\$ 148
NON-RESIDENTIAL PROPERTY USE CATEGORIES	Rate per building square foot (non-residential)	
Commercial		\$ 0.24
Industrial/Warehouse		\$ 0.24

Institutional		\$ 0.25
BUILDING LOTS	Rate Per Lot (regardless of size)	\$ 48
ACREAGE	Rate Per Acre	\$7.82

The above rates of assessment are hereby approved. Fire Rescue Assessments 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, 2001.

(D) As provided in Section C-4 of the Initial Assessment Resolution, it is fair and reasonable to exempt from the assessment certain institutionally classified properties that provide a clear public purpose and public benefits to include all governmental owned properties and public schools. It is fair and reasonable to not exempt from the assessment certain institutionally classified properties that do not provide a clear public purpose and public benefits to include churches and non-profit organizations. 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 Town Council 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 Assessments.

(E) As authorized in Section 2.13 of the Ordinance, interim Fire Rescue Assessments are also levied and imposed against all property for which a Building Permit is issued beginning October 1, 2001 after adoption of this Resolution based upon the rates of assessment approved herein.

(F) 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.

(G) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Ordinance, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as herein approved, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance.

Section 4: CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution 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 assessment, 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 twenty (20) days from the date of this Final Assessment Resolution.

Section 6: CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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.

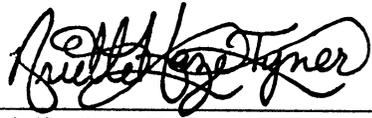
Section 8: EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida this 10th day of September 2001.



Mecca Fink, Mayor

Attest:



Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

APPENDIX A

EXAMPLE OF TRIM NOTICE MAILED TO PROPERTY OWNERS

2001 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR ADOPTED NON-AD VALOREM ASSESSMENTS

WILLIAM MARKHAM, CFA, ASA

Broward County Property Appraiser

Broward County Governmental Center, Room 111
115 South Andrews Avenue, Fort Lauderdale, Florida 33301-1899

REAL ESTATE NUMBER [REDACTED]
GREEN GLADES SOUTH [REDACTED]



SOUTHWEST RANCHES FL 33332-1119



**DO NOT PAY
THIS IS NOT A BILL**

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of the PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing

FAILURE TO PAY TAXES AND NON-AD VALOREM ASSESSMENTS WILL RESULT IN THE ISSUANCE OF A TAX CERTIFICATE AND MAY RESULT IN THE LOSS OF TITLE.

Proposed Ad Valorem Taxes

TAXING AUTHORITY	YOUR PROPERTY TAXES LAST YEAR	YOUR TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	A PUBLIC HEARING ON THE PROPOSED TAXES AND BUDGET WILL BE HELD	YOUR TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE
- - COUNTYWIDE - - COUNTY COMMISSION	867.28	899.81	PH 765-4697: WESTERN HIGH SCHOOL 1200 SW 136 AVENUE, DAVIE, SEP 11, 7:00 PM	871.76
BROWARD PUBLIC SCHOOLS BY STATE LAW	737.73	767.07	PH 765-6454: KATHLEEN C. WRIGHT ADM. BLDG. 600 SE 3 AVE, FT. LAUD., SEPT 8, 5:30 PM	742.43
BY LOCAL BOARD	337.33	360.98	PH (561)686-8800: 3301 GUN CLUB RD, BLDG B-1 W PALM BEACH, SEPT 11, 5:15 PM	338.48
S.FLA.WATER MANAGEMENT	75.15	80.57	PH (561)627-3386: TOWN COUNCIL CHAMBERS 210 N MILITARY TRAIL, JUPITER, SEPT 6, 8:30 PM	75.17
EVERGLADES CONST.PROJ	12.58	13.49	PH 357-7880: THE SCHOOL BOARD OF BROWARD COUNTY 600 SE 3 AVE, FT. LAUDERDALE, SEP 6, 5:01 PM	12.61
FLA. INLAND NAVIGATION	5.16	5.21		5.20
CHILDREN'S COUNCIL	0.00	41.23		0.00
- - MUNICIPAL - - SOUTHWEST RANCHES	490.05	404.85	PH 434-0008: APPLE TREE MONTESSORI SCHOOL 6301 SW 160 AVE, SEP 10, 7:00 PM	493.12
- - INDEPENDENT - - SOUTH BROWARD HOSPITAL	250.87	269.08	PH 985-5820: MEMORIAL REGIONAL HOSPITAL 3501 JOHNSON ST, HOLLYWOOD, SEPT 12, 8:30 PM	252.28
VOTER APPRO.DEBT LEVY*	132.04	152.21		152.21
**TOTAL AD VALOREM TAX	2,908.29	2,994.50	TELEPHONE FOR TAXING AUTHORITY IS SHOWN AS PH NNN-NNNN	2,944.26

SEE REVERSE SIDE FOR EXPLANATION

YOUR PROPERTY VALUE LAST YEAR	MARKET VALUE	ASSESSED VALUE	EXEMPTIONS	TAXABLE VALUE	SR. CIT. EXEMPTION	SR. CIT. TAXABLE
	190,010	150,870	25,000	125,870	0	125,870
YOUR PROPERTY VALUE THIS YEAR	227,890	159,950	25,000	134,950	0	134,950

- IF YOU FEEL THE MARKET VALUE OF YOUR PROPERTY IS INACCURATE OR DOES NOT REFLECT FAIR MARKET VALUE, CONTACT YOUR COUNTY PROPERTY APPRAISER AT: 357-6830, GOVT CENTER RM 111, 115 S ANDREWS, FT. LAUDERDALE WWW.BCPA.NET
- IF THE PROPERTY APPRAISER'S OFFICE IS UNABLE TO RESOLVE THE MATTER AS TO MARKET VALUE, YOU MAY FILE A PETITION FOR ADJUSTMENT WITH THE VALUE ADJUSTMENT BOARD. PETITION FORMS ARE AVAILABLE FROM THE COUNTY PROPERTY APPRAISER AND MUST BE FILED ON OR BEFORE SEPTEMBER 19, 2001.
- YOUR FINAL TAX BILL MAY CONTAIN NON-AD VALOREM ASSESSMENTS WHICH MAY NOT BE REFLECTED ON THIS NOTICE SUCH AS ASSESSMENTS FOR ROADS, FIRE, GARBAGE, LIGHTING, DRAINAGE, WATER, SEWER, OR OTHER GOVERNMENTAL SERVICES AND FACILITIES WHICH MAY BE LEVIED BY YOUR COUNTY, CITY, OR ANY SPECIAL DISTRICT AND POSSIBLE OR ADDITIONAL AD VALOREM PENALTIES.

Proposed and/or Adopted Non-Ad Valorem Assessments

LOCAL GOVERNMENTS WILL SOON HOLD PUBLIC HEARINGS TO ADOPT NON-AD VALOREM ASSESSMENTS FOR THE NEXT YEAR. THE PURPOSE OF THE PUBLIC HEARINGS IS TO RECEIVE OPINIONS FROM AFFECTED PROPERTY OWNERS AND TO ANSWER QUESTIONS ON THE PROPOSED NON-AD VALOREM ASSESSMENTS PRIOR TO TAKING ACTION. ALL AFFECTED PROPERTY OWNERS HAVE THE RIGHT TO APPEAR AT THE PUBLIC HEARING AND FILE WRITTEN OBJECTIONS TO THE NON-AD VALOREM ASSESSMENTS. THE WRITTEN OBJECTION MUST BE FILED WITH THE LOCAL GOVERNMENT WITHIN 20 DAYS OF THE FIRST CLASS NOTICE REQUIRED BY SECT. 197.3632, FLA.STAT. --- THIS FORM CONSTITUTES THE FIRST CLASS NOTICE REQUIRED BY SECT. 197.3632, FLA.STAT. FOR COUNTY ASSESSMENTS AND CERTAIN MUNICIPAL ASSESSMENTS LISTED BELOW. ---

LEVYING AUTHORITY/ PURPOSE OF NON-AD VALOREM ASSESSMENT	YOUR NON-AD VALOREM ASSESSMENT LAST YEAR	YOUR NON-AD VALOREM ASSESSMENT IF PROPOSED CHANGE IS MADE	LEVY RATE PARCEL UNITS AND UNIT OF MEASUREMENT	DATE, TIME, AND LOCATION OF PUBLIC HEARING AND TOTAL ASSESSMENT REVENUE TO BE COLLECTED
COUNTY GARBAGE COLLECTION	310.00	310.00	310.00 1 UNIT RESIDENTIAL	PH 765-4697: WESTERN HIGH SCHOOL 1200 SW 136 AVENUE, DAVIE, SEP 11, 7:00 PM COUNTY WILL COLLECT \$ 9,538,700 IN ASSESSMENTS
SOUTHWEST RANCHES FIRE RESCUE ASSESSMENT	0.00	148.00	148.00 1 UNIT RESIDENTIAL	PH 434-0008: APPLE TREE MONTESSORI SCHOOL 6301 SW 160TH AVE, SEP 10, 7:00 PM CITY WILL COLLECT \$ 477,043.00 IN ASSESSMENTS 680-3337
90 GREEN GLADES STH	20.00	21.00		
**TOTAL NON AD VALOREM	330.00	479.00		

APPENDIX B
PROOF OF PUBLICATION

SUN-SENTINEL
Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida

PLEASE COPY LEGAL NOTICE HERE

(Attached)

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH

Before the undersigned authority personally appeared Tara L. Bezak
who on oath says that he is Assistant Supervisor
in Broward/Palm Beach County Florida, that the attached copy of advertisement,
being, a July 20, 2005 August 20, 2001 Notice
in the matter of _____
in the _____ Court
was published in said newspaper in the issues of August 20, 2001

Affiant further says that the said Sun-Sentinel is a newspaper published in
Said Broward/Palm Beach County, Florida, and that the said newspaper has
heretofore been continuously published in said Broward/Palm Beach County,
Florida, each day, and have been entered as second class matter at the post
office in Fort Lauderdale, in said Broward County, Florida, for a period of
one year next preceding the first publication of the attached copy of
advertisement, and affiant says that he 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 said newspaper.

Sworn to and subscribed before me this 20th day of August, 20 01
Tara L. Bezak
MY COMMISSION # DD024939 EXPIRES July 20, 2005
BONDED THROUGH TROY PALM INSURANCE, INC.
Tara L. Bezak
(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

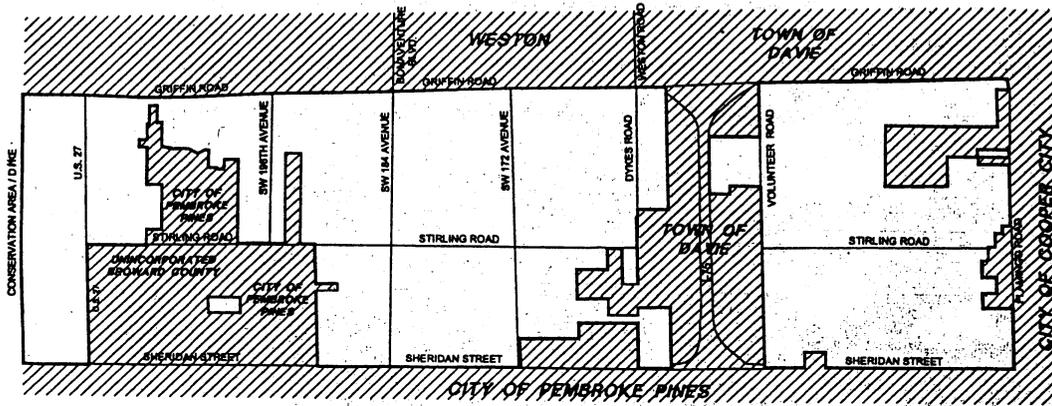
Personally Known _____ or Produced Identification _____

RECEIVED
AUG 21 2001
BY: MS

Appendix B

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

TOWN OF SOUTHWEST RANCHES



Notice is hereby given that the Town Council of the Town of Southwest Ranches will conduct a public hearing to consider imposing fire rescue special assessments for the provision of fire rescue services within the Town of Southwest Ranches for the Fiscal Year beginning October 1, 2001.

The hearing will be held at 7.00 p.m. on September 10, 2001, at the Apple Tree Montessori School, 6301 S.W. 160TH Avenue, Southwest Ranches, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at this hearing and to file written objections with the Town Council within twenty (20) days of the notice. If a person decides to appeal any decision made by the Town Council 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, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk's Office at (954) 434-0008 at least seven (7) days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedule.

PROPERTY USE CATEGORY	BILLING UNIT TYPE	FY2001-02
RESIDENTIAL	Rate Per Residential Unit	\$ 148.00
NON-RESIDENTIAL PROPERTY USE CATEGORIES	Rate per building square foot (non-residential)	
Commercial		\$ 0.24
Industrial /Warehouse		\$ 0.24
Institutional		\$ 0.25
BUILDING LOTS	Rate Per Lot (regardless of size)	\$ 48.00
ACREAGE	Rate Per Acre	\$ 7.82

Copies of the Fire Rescue Assessment Ordinance, the Initial Assessment Resolution, and the preliminary Assessment Roll are available for inspection at the Town Clerk's Office, c/o the Law Office of Becker & Poliakoff, 3111 Stirling Road, Fort Lauderdale, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2001, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause 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 Town Administrator or Town Clerk at (954) 434-0008, Monday and Friday between 8:00 a.m. and 4:00 p.m., Tuesday and Thursday between 9:00 a.m. and 5:00 p.m., and Wednesday between 10:00 a.m. and 6:00 p.m.

TOWN CLERK
TOWN OF SOUTHWEST RANCHES, FLORIDA

Appendix

B

7495936

APPENDIX C
CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Town Administrator, or authorized agent of the Town of Southwest Ranches, Florida (the "Town"); as such, I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non- Ad Valorem Assessment Roll") for the Town 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 Broward County Tax Collector by September 15, 2001.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this 10th day of September, 2001.

TOWN OF SOUTHWEST RANCHES, FLORIDA

By: 
John Canada
Town Administrator

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