

RESOLUTION NO. 26-25

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE REIMPOSITION OF STORMWATER FEES WITHIN THE TOWN OF DUNDEE, FLORIDA; PROVIDING AUTHORITY; PROVIDING FOR DEFINITIONS AND INTERPRETATION; PROVIDING FOR COMPLIANCE WITH THE UNIFORM ASSESSMENT COLLECTION ACT; REIMPOSING STORMWATER FEES AGAINST PROPERTY LOCATED WITHIN THE TOWN OF DUNDEE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2026 AND CONFIRMING THE RATE; APPROVING THE FINAL ROLL; CONFIRMING AND SUPPLEMENTING THE PRELIMINARY RESOLUTION; PROVIDING FOR EFFECT OF ANNUAL RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida, (Town) enacted Ordinance No. 03-22 (Ordinance), subsequently amended and codified as Chapter 44, Article VIII of the Code of Ordinances of the Town of Dundee, Florida (“Code”) which authorizes the imposition of Stormwater Fees for stormwater services, facilities, and programs on property located within the Town; and

WHEREAS, the Town has previously imposed a Stormwater Fee for stormwater management services, facilities, and programs each fiscal year as an equitable and efficient method of funding such services and programs; and

WHEREAS, the Town desires to reimpose a Stormwater Fee within the Town using the procedures provided by the Code and Florida Statutes §403.0893 and §197.3632, including use of the tax bill collection method for the Fiscal Year beginning on October 1, 2026; and

WHEREAS, the Town Commission adopted the 2026 Preliminary Stormwater Resolution”) confirming the stormwater rate, directing the updating and preparation of the Roll, and provision of published notice and mailed notice; and

WHEREAS, the updated Roll has heretofore been made available for inspection by the public; and

WHEREAS, notice of proposed stormwater fees and of the public hearing has been published and mailed as required by Florida Statutes; and

WHEREAS, a public hearing was held on September 8, 2026, and comments and

objections of all interested persons have been heard and considered as required by the terms of the Ordinance; and

WHEREAS, the Town Commission of the Town of Dundee, Florida deems it to be in the best interest of the citizens and residents of the Town to adopt this Annual Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Authority. This Resolution is adopted pursuant to the provisions of Chapter 44, Article VIII of the Code of Ordinances of the Town of Dundee, Florida (“Code”); all prior Preliminary Resolutions, as amended; all prior Annual Resolutions, as amended; the 2024 Preliminary Resolution (Resolution No. 24-12); and Florida Statutes Sections 403.0893, 197.3632, 166.021 and 166.041, and other applicable provisions of law.

Section 2. Definitions and Interpretation. This Resolution constitutes the 2026 Annual Rate Resolution. All capitalized terms in this Resolution shall have the meanings defined in the Code, in all prior Preliminary and Annual Resolutions, as amended, and in this 2026 Annual Resolution.

Section 3. Compliance with the Uniform Assessment Collection Act. The Town Commission confirms that notice of the public hearing was published in accordance with Florida Statutes 197.3632. The Town Commission confirms, in the event circumstances so require under the Uniform Assessment Collection Act, that the Town through the Polk County Property Appraiser has provided notice by mail to the Owner of each parcel billed a stormwater fee. The Town Commission hereby confirms that a public hearing was held at 6:30 p.m. on September 8, 2026, at the Town Commission Chambers, Town Hall, 202 E. Main Street, Dundee, Florida, at which time the Town Commission received and considered comments on the Stormwater Fees from the public and affected property owners and considered imposing Stormwater Fees for the Fiscal Year beginning October 1, 2026, and collecting such fees on the same bill as ad valorem taxes.

Section 4. Reimposition of Stormwater Fees.

(a) The Properties as described in the Final Roll, as updated and amended as needed and hereby approved, are hereby found to be benefited by the provision of the stormwater services, facilities, and programs, in the amount of the Stormwater Fee set forth in the updated Final Roll, a copy of which was present or available for inspection via electronic means at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained,

determined and declared that each parcel of Property within the Town will be benefited by the Town's provision of stormwater services, facilities, and programs in an amount not less than the Stormwater Fee for such parcel. Adoption of this Annual Resolution constitutes a legislative determination that all Property derives benefits in a manner consistent with the legislative declarations, determinations and findings as set forth in the Chapter 44, Article VIII of the Code; the 2019 Report; all prior Preliminary and Annual Resolutions, as amended; and this 2026 Annual Resolution, from the stormwater services, facilities, or programs to be provided and a legislative determination that the Stormwater Fees are fairly and reasonably apportioned among all Property.

(b) The Stormwater Management Fee of \$34.50/EDU (minimum bill of 1 EDU/Property) shall be imposed against all Property included in the Final Roll as determined under the 2019 Report; Chapter 44, Article VIII of the Code, as amended; and associated Town resolutions detailing the determination of EDUs and related issues.

(c) Stormwater Fees adopted and imposed herein pursuant to the Code and Florida Statutes Sections 403.0893 and 197.3632 shall constitute a lien upon the 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.

(d) The Final Roll, as herein approved, together with the correction of any errors or omissions, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Statute. The Mayor shall certify the Roll to the Polk County Tax Collector no later than September 15, 2026, using the certification form, or one substantially similar, attached hereto as Exhibit A.

Section 5. Confirm and Supplement Preliminary Resolution. The 2026 Preliminary Stormwater Resolution, as may have been modified, supplemented, and amended herein, is hereby confirmed.

Section 6. Effect of Adoption of Annual 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 benefit and fair apportionment of stormwater costs to the Property, the method of apportionment, the stormwater rate, the Roll, the sufficiency of notice, and the levy and lien of the stormwater management fees), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the adoption of this Annual Rate Resolution.

Section 7. Conflict. That all resolutions or parts of resolutions related to the Stormwater Management Utility Fee that are in conflict with this Resolution are superseded and supplanted to the extent of such conflict.

Section 8. Severability. That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be void, unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 9. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

INTRODUCED AND PASSED this ____ day of September, 2026.

TOWN OF DUNDEE

(SEAL)

By: _____
Joe Garrison, Mayor

Attest:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia L. Smith, Town Attorney

EXHIBIT A

**FORM OF CERTIFICATE TO
STORMWATER UTILITY FEE ROLL**

**CERTIFICATE
TO STORMWATER UTILITY FEE ROLL**

I HEREBY CERTIFY that, I am _____, the (Mayor or Authorized Designee) of the Town Commission of the Town of Dundee, Florida (the "Town"); as such I have satisfied myself that all property included or includable on the roll for stormwater utility fees 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 stormwater utility fees attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with Section 403.0893, Florida Statutes and with the Uniform Assessment Collection Act, this certificate and the herein described Stormwater Roll will be delivered to the Polk County Tax Collector by September 15, 2026.

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 Stormwater Roll this _____ day of _____, 2026.

TOWN OF DUNDEE, FLORIDA

By: _____

Title: _____

(To Be Delivered to Polk County Tax Collector
no later than Sept. 15, 2026)