

RESOLUTION NO. 23 - 18

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, 2023 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, 2023; and

WHEREAS, the Town Commission, on July 11, 2023, adopted Resolution No. 23-12 (“2023 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 12, 2023, 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”), the 2023 Preliminary Resolution (Resolution No. 23-12); all prior Preliminary Resolutions, as amended; all prior Annual Resolutions, as amended; 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 2023 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 2023 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. Proof of such advertising is attached as Exhibit A to this Resolution. 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 12, 2023, 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, 2023, 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 2023 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, 2023, using the certification form, or one substantially similar, attached hereto as Exhibit B

Section 5. Confirm and Supplement Preliminary Resolution. The 2023 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, 2023.

TOWN OF DUNDEE

(SEAL)

By: _____
Sam Pennant, Mayor

Attest:

Trevor Douthat, Town Clerk

Approved as to form:

Town Attorney

EXHIBIT A

**PROOF OF ADVERTISING
OF PUBLIC HEARING**

AFFIDAVIT OF PUBLICATION

Winter Haven Sun

Published Weekly

Winter Haven, Polk County, Florida

Case No. Hearing for stormwater

STATE OF FLORIDA
COUNTY OF POLK

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Winter Haven Sun, a newspaper published at Winter Haven in Polk County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

August 16, 2023

Affiant further says that the Winter Haven Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Anita Swain

Anita Swain

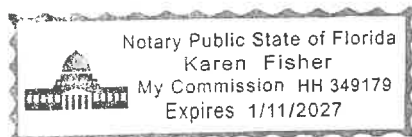
Sworn to and subscribed before me this 16th day of August 2023 by Anita Swain, who is personally known to

Karen Fisher

Karen Fisher, Clerk, Notary Number: #HH349179
Notary expires: January 11, 2027

00036780 00132990

TOWN OF DUNDEE
PO Box 1000
DUNDEE, FL 33838



**NOTICE OF PUBLIC HEARING TO REIMPOSE
AND PROVIDE FOR COLLECTION OF
STORMWATER FEES FOR FISCAL YEAR 2023-24
BY THE TOWN OF DUNDEE, FLORIDA IN
THE SAME MANNER AS NON-AD VALOREM
ASSESSMENTS ON THE AD VALOREM TAX BILL**

NOTICE IS GIVEN that the Town Commission of the Town of Dundee will conduct a public hearing to consider reimposing stormwater fees within the Town of Dundee collected on the ad valorem tax bill using the Uniform Assessment Collection Act for the provision of stormwater services within the Town of Dundee for the Fiscal Year beginning October 1, 2023. The Public Hearing will be held at 6:30 P.M., or as soon as possible thereafter, on September 12, 2023, in the Town Commission Chambers, Town Hall, 202 E. Main Street, Dundee, Florida, 33838, for the purpose of receiving public comment on the proposed stormwater fees imposed pursuant to Florida Statutes 197.3632 and 404.0893. The stormwater fees will be collected on the ad valorem tax bill to be mailed in November 2023. Failure to pay the fees will cause a tax certificate to be issued against the property, which may result in a loss of title (ownership) of one's real property. All affected property owners have a right to appear at the hearing and to file written objections with the Town Commission within 20 days of this notice and at the public hearing. Documents pertaining to the Town's stormwater fee and the proposed stormwater roll may be reviewed at the Town Clerk's Office, Monday - Friday 8:30 a.m. to 5:00 p.m. The adopted stormwater rate is:

**STORMWATER RATE \$34.50 per EDU (equivalent drainage unit)
(minimum bill of 1 EDU)**

If you have any questions, please contact the Town's Department of Finance at 863-438-8330, Monday through Friday between 8:00 a.m. and 5:00 p.m.

If a person decides to appeal any decision made by the Town 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. Please be advised that you must make your own arrangements to produce this record. The Town Commission of the Town of Dundee may continue the public hearing to the dates and times as it deems necessary. Any interested party shall be advised that the date, time and place of any continuation of this and/or any continued hearing may be announced during the hearing and that no further notices regarding this matter may be published.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, any person with disabilities needing special accommodations to participate in this proceeding should contact the Town Clerk's Office at least forty-eight (48) hours prior to the proceeding. The Town Clerk's Office is located in the Town Hall, 202 E. Main Street, Dundee, Florida, 33838; telephone 863-438-8330, Ext. 258; or email tdouthat@townofdundee.com.

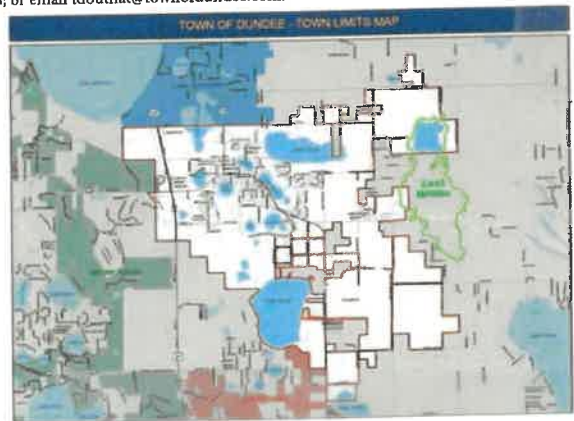


EXHIBIT B

**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, 2023.

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 _____, 2023.

TOWN OF DUNDEE, FLORIDA

By: _____

Title: _____

(To Be Delivered to Polk County Tax Collector
no later than Sept. 15, 2023)