

RESOLUTION NO. 61-2025 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES INCLUDING FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH, FLORIDA; PROVIDING FOR AUTHORITY, DEFINITIONS, AND FINDINGS; RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; APPROVING THE RATE OF ASSESSMENTS; CONFIRMING, APPROVING AND ADOPTING THE STORMWATER ASSESSMENT ROLL FOR FISCAL YEAR 2026 AND IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution of the City of Lake Worth Beach, Florida (the "City") is adopted pursuant to Chapter 2, Article XVIII of the City Code of Ordinances ("Assessment Ordinance"), City Resolution No. 40-2009 (as amended and supplemented from time to time, and as particularly supplemented by Resolution No. 45-2009, collectively, "Initial Assessment Resolution") which are incorporated herein as if set forth in full, Resolution No. 30-2025 (aka "2025 Preliminary Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution constitutes both the Final Assessment Resolution and the Annual Assessment Resolution (collectively, "Annual Assessment Resolution") as defined in the Assessment Ordinance due to the increase in the assessment amount as compared to the prior fiscal years. See *Atlantic Gulf Communities Corp. v. City of Port St. Lucie*, 764 So. 2d 14 (Fla. 4th DCA 1999) (when the assessment is increased, it is deemed to be levied for the first time under section 197.3632(4)(a), Florida Statutes). All capitalized terms in this Resolution not otherwise defined herein shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) On August 18, 2009, the City Commission adopted the Initial Assessment Resolution which, in part, described the Stormwater Management Services and provided for the funding thereof through Stormwater Service Assessments and the method of assessing the cost of such services against the real property located within the City that will be specifically benefited thereby. The Initial Assessment Resolution provided for the apportionment of Stormwater Service Assessments on the bases on Equivalent

Residential Units ("ERUs") beginning at the rate of \$75.60 per ERU, for the Fiscal Year commencing October 1, 2009.

(B) The legislative determinations of special benefit and fair apportionment contained in Section 1.04 of the Initial Assessment Resolution and the other findings set forth therein, are hereby readopted, ratified, confirmed and incorporated herein as if set forth in full.

(C) The cost of providing Stormwater Management Services has increased since the adoption of the Initial Assessment Resolution. In Fiscal Year 2019-2020, the rate increased to \$78.25 per ERU, and for Fiscal Year 2024-2025 the rate increased to \$117.38.

(D) On June 17, 2025, the City Commission adopted Resolution No. 30-2025 (aka 2025 Preliminary Assessment Resolution) which directed the preparation of the Preliminary Stormwater Assessment Roll for fiscal year 2025-2026. Pursuant to Resolution 30-2025, the cost of providing Stormwater Management Services, including facilities and programs, has increased. For Fiscal Year 2025-2026, the rate of Stormwater Assessments is increased to \$120.31 per ERU as set forth in the Assessment Roll.

(E) Pursuant to Resolution No. 30-2025, the Stormwater Service Assessment Roll has heretofore been filed at the offices of the City Clerk, 7 North Dixie Highway, Lake Worth Beach, Florida, and made available for public inspection.

(F) Pursuant to the Assessment Ordinance, the City Commission is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the City Commission deems appropriate, after hearing concerns and receiving comments or objections from interested parties.

(G) In accordance with the Assessment Ordinance, Resolution No. 30-2025, and Section 197.3632, Florida Statutes, notice of a public hearing has been published and mailed to each affected property owner notifying such property owner of the assessment, opportunity to be heard, and other required information. The proof of publication and mailing are available for inspection at the Financial Services Department.

(H) The public hearing was duly held on September 11, 2025 and comments and objections of all interested persons have been heard and considered as required by law.

(I) In order to re-impose Stormwater Service Assessments for the Fiscal Year commencing October 1, 2025, the Assessment Ordinance requires the City Commission to adopt an Annual Assessment Resolution which confirms or amends the Stormwater Assessment Roll.

(J) The imposition of Stormwater Service Assessments for Stormwater Management Services, including facilities and programs, for each fiscal year is an equitable and efficient method of allocating and apportioning the Stormwater Management Services Cost among parcels of Assessed Property.

(K) The Stormwater Management Services provided for in the Initial Assessment Resolution, Resolution No. 30-2025 and contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of, and relieve a burden created by and provide a special benefit to Improved Property by properly, safely and cost effectively managing stormwater generated on the property.

(L) The benefits derived from the Stormwater Management Services, including facilities and programs, exceed the cost of the Stormwater Service Assessments imposed hereunder. The Stormwater Service Assessment for any Tax Parcel within the City does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel within the City.

(M) Each parcel of Assessed Property within the City will be specially benefited by the City's provision of Stormwater management services, facilities, and programs in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution and Resolution No. 30-2025.

(N) Adoption of this Annual 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 Assessment Ordinance, Initial Assessment Resolution, Resolution No. 30-2025, and this Annual Assessment Resolution from the Stormwater Management Services, facilities, or programs to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

(O) The City Commission hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Stormwater Management Services, including facilities and programs, by fairly and reasonably allocating the Stormwater Management Service Cost among specially benefited property.

SECTION 4. RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION AND PREVIOUSLY IMPOSED ASSESSMENTS.

(A) The Initial Assessment Resolution and Resolution No. 30-2025 are hereby ratified and confirmed.

(B) Any and all prior actions of the City Commission associated with the imposition of Stormwater Service Assessments or similar fees and charges of every nature whatsoever for previous Fiscal Years, including the fees, charges and non-ad valorem assessments imposed and to be collected for Fiscal Year 2025-2026, are hereby approved, ratified and confirmed in their entirety.

SECTION 5. APPROVAL OF ASSESSMENT ROLL; IMPOSITION OF ASSESSMENTS.

(A) The Stormwater Assessment Roll, on file in the Office of the City Clerk and incorporated herein by this reference, is hereby approved, confirmed, and adopted for

Fiscal Year 2025-2026. The Stormwater Assessment Roll shall be certified to the Tax Collector by September 15, 2025, pursuant to Section 197.3632(5), Florida Statutes.

(B) The apportionment approach described in Section 3.03 of the Initial Assessment Resolution and as otherwise described in Resolution No. 30-2025 is hereby approved and adopted as the basis for allocating the Stormwater Cost for the Fiscal Year 2026 among Assessed Property.

(C) A special assessment computed in the manner described in the Initial Assessment Resolution and Resolution No. 30-2025 is hereby levied and imposed on all Tax Parcels described in the Stormwater Assessment Roll in order to fund the Stormwater Cost for the Fiscal Year commencing October 1, 2025, at the rate of \$120.31 per ERU. This rate shall continue annually unless amended in accordance with the Assessment Ordinance and Section 197.3632, Florida Statutes.

(D) Parcels of Assessed Property described in the Stormwater Assessment Roll are hereby found to be specially benefited by the provision of the Stormwater Management Services, facilities, and programs described or referenced in the Initial Assessment Resolution and Resolution No. 30-2025 based upon an assessment amount for each ERU of \$120.31.

(E) Stormwater Service 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. The lien shall be deemed perfected upon adoption of this Resolution.

SECTION 6. COLLECTION OF ASSESSMENTS. The Fiscal Year 2025-2026 Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act as provided for in the Initial Assessment Resolution, Resolution No. 30-2025, and Section 197.3632, Florida Statutes. Upon adoption of this Resolution and of the Annual Assessment Resolution for subsequent Fiscal years, the City Manager shall cause the certification and delivery of the Stormwater Service Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual 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 Stormwater Service Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the Commission's adoption of this Resolution.

SECTION 8. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 9. SEVERABILITY. Should any section or provision of this Resolution or portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Resolution.

SECTION 10. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its adoption.

The passage of this resolution on was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this resolution duly passed and adopted on the 11th day of September 2025.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk