

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
RESOLUTION NO. 2024-DD07**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING THE DISTRICT'S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING DRAINAGE WORKS NUISANCE ABATEMENT ON PRIVATE REAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Loxahatchee Groves Water Control District (“District”) has been authorized by the Florida Statutes and various special acts of the Legislature to construct, improve, manage and maintain water control and drainage facilities within the geographical boundaries of the District; and

WHEREAS, the District is authorized to impose non-ad valorem special assessments pursuant to various special acts of the Legislature; and

WHEREAS, pursuant to Chapter 2018-175, Laws of Florida, the District became a dependent district and the prior special acts of the District became ordinances of the Town of Loxahatchee Groves (“Town”) in Chapter 46 of the Town’s Code of Ordinances; and

WHEREAS, Chapter 46 “Special Districts” of the Town’s Code of Ordinances establishes the District’s authority to levy special assessments against private real property for the cost of eliminating drainage works nuisance conditions on such properties in the form of repairs, maintenance, and/or replacement of drainage works that are in violation of Chapter 46 (collectively, “Abatement Services”); and

WHEREAS, the entire District has been declared a drainage works abatement special assessment district, with individual properties being subject to the non-ad valorem assessments from time to time if and when a violation of the applicable provisions occurs; and

WHEREAS, the District intends to use the uniform method for collecting such non-ad valorem assessments for the costs of providing these Abatement Services within the boundaries of

the District as authorized by section 197.3632, Florida Statutes, as amended from time to time, commencing in October 2025, because this method will allow such special assessments to be collected annually in the same manner as provided for ad valorem taxes; and

WHEREAS, in order to implement section 197.3632, Florida Statutes, the Palm Beach County Property Appraiser (“Appraiser”) and the Palm Beach County Tax Collector (“Tax Collector”) may require the District to enter into certain agreements such as for the District’s reimbursement of administrative costs and to address non-disclosure of certain tax data, and the Board of Supervisors wishes to authorize the District Administrator to execute the same on behalf of the District; and

WHEREAS, the District has held a duly advertised public hearing prior to the adoption of this Resolution, and the proof of publication of such hearing notice (“Notice of Intent”) and the Notice of Intent are attached hereto as composite **Exhibit A**, which is incorporated herein by this reference; and

WHEREAS, the Board of Supervisors has determined that the use of the uniform method for the collection of Abatement Services special assessments is in the best interests of the landowners and the District and serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, THAT:

Section 1. **Recitals.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. **Intent to Use Uniform Method.** Commencing with the Fiscal Year beginning October 1, 2025, and with the tax statement mailed for such Fiscal Year and continuing thereafter until discontinued by the District, the District intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended from time to time, for collecting non-ad valorem assessments for the recovery of the costs of eliminating nuisance conditions on real property in the form of drainage works nuisance abatement services.

Section 3. **Applicability.** All real property located within the boundaries of the Loxahatchee Groves Water Control District may be subject to such non-ad valorem assessments.

A legal description of such area subject to the assessment is attached hereto as **Exhibit B** and is incorporated herein by reference.

Section 4. Certified Copies. Upon adoption, the District is hereby directed to send a certified copy of this Resolution by United States mail to: (1) the Florida Department of Revenue; (2) the Palm Beach County Tax Collector; and (3) the Palm Beach County Property Appraiser, no later than January 10, 2025.

Section 5. Authorization. Consistent with this Resolution, the Notice of Intent, and section 197.3632, Florida Statutes, the Board of Supervisors hereby authorizes the District Administrator to enter into and execute, on behalf of the District, agreements with the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector for the implementation of the uniform method, such as for the reimbursement of administrative costs, non-disclosure agreements, and other required documents.

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, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 8. Effective Date. This Resolution shall become effective upon passage.

Supervisor _____ offered the foregoing resolution. Supervisor _____ seconded the motion.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Anita Kane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Herzog	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Shorr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT, A
DEPENDENT DISTRICT OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA,
THIS 3rd DAY OF DECEMBER 2024.**

LOXAHATCHEE GROVES WATER
CONTROL DISTRICT

ATTEST:

Chairperson/President Anita Kane

Clerk for the Loxahatchee Groves
Water Control District

Supervisor/Treasurer Margaret Herzog

Supervisor Robert Shorr

APPROVED AS TO LEGAL FORM:

Supervisor Laura Danowski

Attorney for the Loxahatchee Groves Water
Control District

Supervisor Phillis Maniglia