

**RESOLUTION NO. 97- 179**

**SARASOTA COUNTY, FLORIDA**

**FY98 ANNUAL STORMWATER SERVICE  
ASSESSMENT RESOLUTION**

**ADOPTED: SEPTEMBER 10, 1997**

**BOARD RECORDS  
FILED FOR RECORD  
97 SEP 11 PM 4: 11  
KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL**

**RESOLUTION NO. 97-179**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, CONSTITUTING THE FY98 ANNUAL STORMWATER SERVICE ASSESSMENT RESOLUTION; CONFIRMING ESTIMATES OF THE COST OF CUSTOMER SERVICES, UTILITY-WIDE OPERATIONS AND MAINTENANCE SERVICES TO BE PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY DURING THE FISCAL YEAR ENDING SEPTEMBER 30, 1998; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE SERVICES PROVIDED BY THE STORMWATER ENVIRONMENTAL UTILITY; AMENDING AND ADDING CERTAIN DEFINITIONS; AMENDING AND CONFIRMING THE METHOD OF ASSESSING THE COST OF SERVICES AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; SPECIFYING AND IMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN INCORPORATED AND UNINCORPORATED AREAS OF SARASOTA COUNTY; AMENDING AND APPROVING THE STORMWATER SERVICE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS:**

**WHEREAS**, the Board of County Commissioners of Sarasota County, Florida, has enacted Ordinance No. 94-066, as amended by Ordinance Nos. 95-063 and 96-010, which authorize the imposition of Stormwater Service Assessments against certain real property located within incorporated and unincorporated areas of Sarasota County; and

**WHEREAS**, the imposition of a Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of Customer Services, Utility-Wide Operations and Maintenance Services provided by the Stormwater Environmental Utility among parcels of property within the Stormwater Utility Area; and

**WHEREAS**, on July 18, 1995, the Board adopted Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, containing a brief and general description of the stormwater services to be provided, describing the method of assessing the cost of services provided by the Stormwater Environmental Utility against the real property that will be specially benefited thereby, and directing preparation of the tentative Stormwater Service Assessment Roll and provision of the notices required by the Ordinance; and

**WHEREAS**, in accordance with the provisions of the Ordinance, the County confirmed Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, with the adoption of Resolution No. 95-211, the Final Stormwater Service Assessment Resolution, with such amendments as the Board deemed appropriate, after hearing comments and receiving objections of all interested parties; and

**WHEREAS**, pursuant to the Ordinance, the Board is authorized to subsequently establish and impose Stormwater Service Assessments through the adoption of an Annual Stormwater Service Assessment; and

**WHEREAS**, in accordance with the provisions of the Ordinance, the Board adopted Resolution No. 96-163, the Annual Stormwater Service Assessment Resolution, with such amendments as the Board deemed appropriate, after hearing comments and receiving objections of all interested parties; and

**WHEREAS**, the Board has considered and finds that amendment of Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163, to provide for a new pervious area category, Open Space, is reasonable and will serve to further the purposes and intent of the Stormwater Environmental Utility by providing for a separate

pervious area factor for large land parcels with land features which tend to retain or slow the rate of stormwater runoff and for which irrigation records are maintained; and

**WHEREAS**, the Stormwater Service Assessment Roll has heretofore been filed with the office of the Stormwater Environmental Utility, as provided by the Ordinance; and

**WHEREAS**, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

**WHEREAS**, a public hearing has been duly held 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 BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Resolution is adopted pursuant to Ordinance No. 94-066, as amended by Ordinance Nos. 95-063 and 96-010, Chapter 125, Florida Statutes, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** This Resolution is the Annual Stormwater Service Assessment Resolution, as defined in the Ordinance, for Fiscal Year 1998. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, as amended or confirmed by Resolution Nos. 95-211, 96-163, and this FY98 Annual Stormwater Service Assessment Resolution.

**SECTION 3. ESTIMATED CUSTOMER SERVICE COST.** For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Customer Service Cost for the Fiscal Year ending September 30, 1998 is \$755,520. The estimated Customer Service Cost for the Fiscal Year ending September 30, 1998 shall be used in calculating the Stormwater Service Assessment in accordance with the Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163 and this Resolution.

**SECTION 4. UTILITY-WIDE OPERATING COST.** For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Utility-Wide Operating Cost for the Fiscal Year ending September 30, 1998 is \$2,333,720. The estimated Utility-Wide Operating Cost for the Fiscal Year ending September 30, 1998 shall be used in calculating the Stormwater Service Assessment in accordance with Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163 and this Resolution.

**SECTION 5. MAINTENANCE SERVICE COST.** For the purposes of this Annual Resolution and the Stormwater Service Assessments levied pursuant to this Resolution, the estimated Maintenance Service Cost for the Fiscal Year ending September 30, 1998 is \$8,831,642. The estimated Maintenance Service Cost for the Fiscal Year ending September 30, 1998 shall be used in calculating the Stormwater Service Assessment in accordance with Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163 and this Resolution.

**SECTION 6. AMENDMENT OF SECTION 1.01, DEFINITIONS, OF RESOLUTION NO. 95-153, AS AMENDED AND CONFIRMED BY RESOLUTION NOS. 95-211 AND 96-163.**

(A) Section 1.01, **DEFINITIONS**, of Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163, is hereby amended, with new language indicated by double-underlines, to add the following new definition, to be inserted into the existing definitions according to alphabetical order, as follows:

"Open Space" means Pervious Area on a parcel that is larger than ten (10) acres in size whose predominant cover is well-established grasses and trees and is characterized by terrain that tends to retain or slow stormwater runoff, contains depressional areas which may retain stormwater and which parcels are lightly to moderately irrigated. Records reflecting irrigation applied to the parcel must be maintained by the property owner for a period of two years and made available to the Utility upon request.

(B) Section 1.01, **DEFINITIONS**, of Resolution No. 95-153, as amended and confirmed by Resolution Nos. 95-211 and 96-163, is hereby amended, with new

language indicated by double-underlines, to modify the existing language for "Pervious Area Factor" as follows:

"Pervious Area Factor" means, for each Pervious Area Category, a number between 0.0 and 1.0 that relates the Stormwater burden expected to be generated by such Pervious Area Category to the Stormwater burden expected to be generated by an impervious surface, based on (A) runoff curve numbers published by the United States Department of Agriculture in "Technical Report 55," and (B) the frequency distribution of rainfall events across the State of Florida published in Hydrology and Water Quality Control (Martin P. Wanielista, University of Central Florida, 1990). The following "Pervious Area Factors" have been computed by the County's consulting engineers and staff engineers and shall be used to compute the Stormwater Service Assessments:

<u>Pervious Area</u> <u>Category</u>	<u>Pervious Area</u> <u>Factor</u>
Natural State	0.000
Pasture/Meadow	0.002
Groves and Orchards	0.017
Tilled Agriculture	0.030
<u>Open Space</u>	<u>0.037</u>
Urban Pervious	0.148

**SECTION 7. AMENDMENT AND CONFIRMATION OF INITIAL AND FINAL STORMWATER SERVICE RESOLUTIONS.** Resolution No. 95-153, the Initial Stormwater Service Assessment Resolution, and Resolution No. 95-211, the Final Stormwater Service Assessment Resolution adopted by the Board on September 7, 1995, as amended and confirmed by Resolution No. 96-163, are hereby amended in part by this Resolution and are otherwise ratified and confirmed.

**SECTION 8. AMENDMENT AND APPROVAL OF STORMWATER SERVICE ASSESSMENT ROLL.** The Stormwater Service Assessment Roll, which is currently on file in the office of the Stormwater Environmental Utility and incorporated herein by reference and which establishes the Stormwater Service Assessments to fund Stormwater Services for the Fiscal Year ending September 30, 1998, is hereby approved as amended by this Resolution. The Stormwater Director is hereby directed to amend the Stormwater Improvement Assessment Roll in accordance with the amendments enacted by this Resolution.



**SECTION 9. STORMWATER SERVICE ASSESSMENTS.**

(A) The Tax Parcels described in the Stormwater Service Assessment Roll are hereby found to be specially benefited by the provision of Customer Service, Utility-Wide Operations and Maintenance Services by the Stormwater Utility in the amount of the Stormwater Service Assessments set forth in the Stormwater Service Assessment Roll. The methodology for computing Stormwater Service Assessments as described in Resolution No. 95-153, the Initial Stormwater Service Resolution, as amended and confirmed by Resolution Nos. 95-211 and 96-163, is hereby amended and confirmed by this Resolution. Based upon the methodology and the estimated Customer Service, Utility-Wide Operations and Maintenance Services Costs provided in Sections 3, 4 and 5 of this Resolution, Stormwater Improvement Assessments shall be imposed at the following rates for the Fiscal Year ending September 30, 1998:

Customer Services	\$ 5.19 per Tax Parcel
Utility-Wide Operations	\$ 13.02 per ESU
Maintenance Services	\$ 51.76 per ESU

(B) Stormwater Service Assessments in the amounts set forth in the Stormwater Service Assessment Roll, as amended by this Resolution, are hereby levied and imposed on all Tax Parcels described in the Stormwater Service Assessment Roll. Such Stormwater Service Assessments shall constitute a lien upon the Tax Parcels so assessed from the date of adoption of this FY98 Annual Stormwater Service Assessment Resolution 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 for Stormwater Service Assessments shall be deemed to be perfected upon adoption by the Board of this FY98 Annual Stormwater Service Assessment Resolution. Upon perfection, the lien for Stormwater Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

**SECTION 10. COLLECTION OF STORMWATER SERVICE ASSESSMENTS.** The Stormwater Service Assessments shall be collected pursuant to the Uniform Assessment Collection Act. The Stormwater Program Director is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Service Assessment Roll, as amended by this Resolution, to the Tax Collector by September 15, in the manner prescribed by Section 197.3632, Florida Statutes.

**SECTION 11. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this FY98 Annual Stormwater Service Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the adoption of the Stormwater Service Assessment Roll, and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this FY98 Annual Stormwater Service Assessment Resolution.

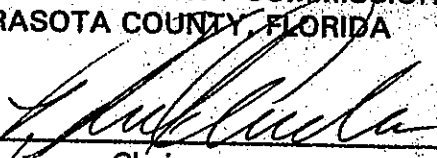
**SECTION 12. SEVERABILITY.** The provisions of this Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Resolution shall not be affected thereby.

**SECTION 13. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption, this 10th day of September, 1997.

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 10th day of September, 1997.**


**BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA**

(SEAL)

By:   
Chairman

**ATTEST:**

**KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida**

By:   
Deputy Clerk

APPENDIX A  
PROOF OF PUBLICATION

SARASOTA HERALD-TRIBUNE  
PUBLISHED DAILY  
SARASOTA, SARASOTA COUNTY, FLORIDA

BUDGET DEPARTMENT  
P.O. BOX 8  
SARASOTA, FL 34230

STATE OF FLORIDA  
COUNTY OF SARASOTA

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED  
JAMES E. DOUGHTON, WHO ON OATH SAYS HE IS ADVERTISING  
DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY  
NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA;  
AND CIRCULATED IN SARASOTA COUNTY DAILY; THAT THE ATTACHED  
COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

PUBLIC HEARING  
NON-AD VALOREM ASSESSMENT ROLLS

IN THE COURT WAS PUBLISHED IN SARASOTA EDITION  
OF SAID NEWSPAPER IN THE ISSUES OF:

AUGUST 15, 1997

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE  
IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY,  
FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN  
CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA,  
EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER  
AT THE POST OFFICE IN SARASOTA, IN SAID SARASOTA COUNTY,  
FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST  
PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND  
AFFIANT FURTHER 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 THE SAID NEWSPAPER.

SIGNED

*James E. Doughton*

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15TH DAY OF  
AUGUST, A.D., 1997 BY JAMES E. DOUGHTON WHO IS PERSONALLY  
KNOWN TO ME.

(SEAL)

OFFICIAL NOTARY SEAL  
BOBIE J CLARK  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC589421  
MY COMMISSION EXP. OCT. 11, 2000

NOTARY PUBLIC

**APPENDIX B**  
**AFFIDAVIT OF MAILING**