

RESOLUTION NO. 11- 2057

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE TOWN FOR THE COST OF PROVIDING RECYCLING SERVICES AND SOLID WASTE SERVICES; STATING A NEED FOR SUCH A LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION TO REQUIRED OFFICERS AND DEPARTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside, Florida ("Town") is contemplating the imposition of special assessments for the provision of recycling and solid waste collection services as authorized by Sections 66-35 and 66-36 of the Town Code, as amended; and

WHEREAS, the Town intends to use the uniform method for collecting non-ad valorem assessments for the cost of providing recycling and solid waste collection services to property within the incorporated area of the Town as authorized by Fla. Stat. §197.3632 so that this method will allow such special assessments to be collected annually commencing with the tax bills issued in November 2012, in the same manner as provided for the collection of ad valorem taxes; and

WHEREAS, in compliance with Florida Statutes Section 197.3632 the Town held a duly advertised public hearing prior to the adoption of this Resolution, pursuant to the form of Notice and Proof of Publication of such hearing which is attached hereto and incorporated herein as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Uniform Method of Collection Adopted. Commencing with the Fiscal Year beginning on October 1, 2012, and with the tax statement mailed for such Fiscal Year, the Town intends to use the uniform method of collecting non-ad valorem assessments authorized in Fla. Stat. § 197.3632, as amended for collecting non-ad valorem assessments for the cost of providing recycling services and solid waste collection services. Such non-as valorem assessments shall be levied within the incorporated area of the Town. A legal description of such area subject to the non-ad valorem assessment is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 3. Levy Necessary. That the Town hereby determines that the levy of the non-ad valorem assessments is needed to fund the cost of providing recycling and solid waste collection services within the incorporated area of the Town. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is 5.6573 dollars per \$1,000.00.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption hereof. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Miami-Dade County Tax Collector, and the Miami-Dade County Property Appraiser by January 10, 2012.

PASSED and ADOPTED on this 8th day of November, 2011.

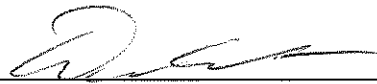
Motion by Commissioner Kopelman, second by Vice-Mayor Grawbart.

Resolution No. 11- 2057

FINAL VOTE ON ADOPTION

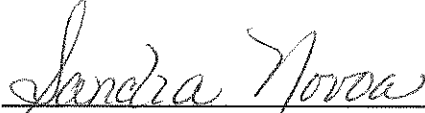
Commissioner Michael Karukin
Commissioner Edward Kopelman
Commissioner Marta Olchyk
Vice Mayor Joseph Graubart
Mayor Daniel Dietch

Yes
Yes
Yes
Yes
Yes



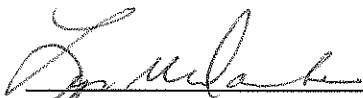
Daniel Dietch, Mayor

Attest:



Sandra Novoa, CMC/
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser
Town Attorney

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

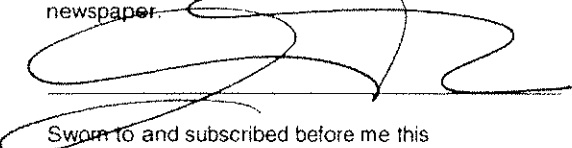
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

TOWN OF SURFSIDE
PUBLIC HEARING - NOV. 8, 2011

in the XXXX Court,
was published in said newspaper in the issues of

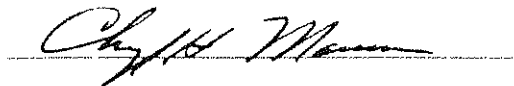
10/10/2011 10/17/2011 10/24/2011 10/31/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade 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 or she 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.



Sworn to and subscribed before me this

31 day of OCTOBER, A.D. 2011



(SEAL)

MARIA MESA personally known to me



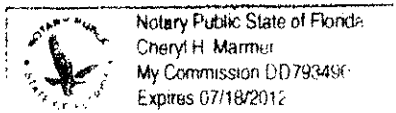
PUBLIC NOTICE

Notice is hereby given to all owners of land within the boundaries of the Town of Surfside, Florida (the "Town") that the Town intends to use the uniform method for collecting non-ad valorem assessments levied by the Town, as set forth in Section 197.3632, Florida Statutes, and that the Town Commission will hold a public hearing on Tuesday, November 8, 2011 at approximately 7:00pm at Town Hall, 9293 Harding Avenue, Surfside, FL 33154.

The purpose of the public hearing is to consider adoption of a Resolution authorizing the Town to use the uniform method of collecting non-ad valorem assessments to fund the costs and expenses incurred by the Town in the collection and disposal of solid waste and in the provision of recycling services. If adopted, the non-ad valorem assessment may be levied for the first time for the fiscal year beginning October 1, 2012 and for each year thereafter until discontinued.

Interested parties may appear at the public hearing and be heard regarding the Town's intent to use the uniform method of collecting such non-ad valorem assessments. If any person decided to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of the proceeding, and for purposes the person may need to ensure that a verbatim record of the proceeding is made at their own expense and which record includes testimony and evidence on which the appeal is based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in this proceeding should contact the Town Clerk no later than two (2) days prior to the proceeding, telephone 305-861-4863 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, (800) 955-8771 (tdd) or (800)955-8770 (voice), for assistance.
10/10-17-24-31 11-3-71/1768481M



ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS

Sec. 1. Incorporation.

The inhabitants of the Town of Surfside, within the corporate limits as now established or as hereafter established, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of Surfside."

Sec. 2. Corporate limits.

Until modified by subsequent annexation or exclusions in the manner provided by law, the municipal corporation of the Town of Surfside shall comprise, and have full municipal jurisdiction, powers, rights and privileges over the territory and persons now and from time to time hereafter within the following boundaries in Dade County, Florida, to-wit:

Beginning at a point on the south line of Township 52 South, Range 42 East of Tallahassee Meridian in Florida, at the low water line of the Atlantic Ocean;

Thence west along the south line of said Township 52 South, Range 42 East, to the waters of Biscayne Bay and/or Indian Creek;

Thence easterly and northerly meandering the present east shore of Biscayne Bay and/or Indian Creek to the north line of Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, produced westerly to its intersection with the present East Shore of Indian Creek;

Thence east along the north line of said Government Lot 1, Fractional Section 35, Township 52 South, Range 42 East, or the prolongation thereof, to the low water line of the Atlantic Ocean;

Thence southerly meandering the low water line of the Atlantic Ocean to the point [of] beginning excepting therefrom, however, Lots "V," "W" and "X" of the amended plat of a portion of Altos Del Mar No. 4, according to plat thereof recorded in Plat Book 34, at page 7, of the Public Records of Dade County, Florida.

Sec. 3. Form of government; powers are vested in commission; exercise of powers.

The municipal government provided by this Charter shall be known as the "commission-manager government." Pursuant to the provisions of this Charter, and subject only to the limitations imposed by the state constitution, all powers of the town shall be vested in an elective council, hereinafter referred to as "the commission," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager who shall execute the laws and administer the government of the town. All powers of the town shall be exercised in the manner prescribed in this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 4. General powers of town; powers not deemed exclusive.

The town shall have all the powers granted to municipal corporations and to towns by the constitution and general laws of the state, together with all the implied powers necessary to carry into execution all the powers granted. The town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and may sell, lease, mortgage, hold, manage and control such property as its interests may require. Except as prohibited by the constitution of this state or restricted in this Charter, the town shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the constitution of this state, it would be competent for this Charter specifically to enumerate.

The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable flood