

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE SOLIVITA PHASE 5A AND SOLIVITA PHASE 5B STREET LIGHTING ASSESSMENT AREA; PROVIDING AUTHORITY; PROVIDING CERTAIN DEFINITIONS; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Master Street Lighting Assessment Ordinance (Ordinance 18-066), Article VIII, Section 1, Florida Constitution, Chapter 125, Florida Statutes, the Polk County Home Rule Charter, and other applicable provisions of law.

SECTION 2. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Master Street Lighting Assessment Ordinance.

SECTION 3. GENERAL FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 1 of the Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, and other applicable provisions of law, the Board has all powers of local self-government to perform county functions and to render county services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of County ordinances.

(B) Pursuant to Section 125.01(1)(q), Florida Statutes, the Board has an enumerated county power to establish, merge, and abolish municipal service benefit units for any part or all of the county within which may be provided street lighting services, facilities, and programs with funds provided from special assessments. The Street

Lighting Assessment Areas are municipal service benefit units within the meaning and intent of Section 125.01(1)(q), Florida Statutes.

- (C) The Board has enacted the Master Street Lighting Assessment Ordinance to provide for the creation of Street Lighting Assessment Areas, authorize the imposition of Street Lighting Assessments to fund the Street Lighting Service Cost to benefitted property located therein.
- (D) **SOLIVITA PHASE 5A AND SOLIVITA PHASE 5B** are platted subdivisions in Polk County, Florida recorded in Plat Book 165, Page 10, and Plat Book 177, Page 1, respectively, of the Public Records of Polk County, Florida.
- (E) Streetlights will be or have been installed in **SOLIVITA PHASE 5A AND SOLIVITA PHASE 5B** at the request of the developer and the cost of installation and operation of those lights will be or have been paid by the Homeowner's Association (HOA).
- (F) The owners of seventy-five percent (75%) of the parcels included in the property described in this Resolution have petitioned the County to establish a special street lighting assessment area so that the costs of operation and maintenance of the existing streetlights may be assessed against the applicable subdivision lots and collected annually on the tax bill.
- (G) It is consistent with the Florida Supreme Court case of City of Winter Springs v. State, 776 So. 2d 255 (Fla. 2001), that street lighting provides a special benefit to property by enhancing the aesthetics, safety, value and the use and enjoyment of property.

(H) The Street Lighting Services will provide a special benefit to all Tax Parcels of Assessed Property by protecting and enhancing the value, use and enjoyment of such property. The provision of streetlights and the operation and maintenance of those lights will provide better and easier nighttime recognition and identification, which enhances safety and access to property; provide enhanced roadway lighting that is intended to produce quick, accurate, and comfortable seeing at night that will safeguard, facilitate, and encourage vehicular and pedestrian traffic on the roadways abutting and serving the Assessed Property; provide a reduction in nighttime accidents occurring on or adjacent to Assessed Property resulting from the proper use of nighttime lighting; aid to public safety services (such as police, fire & rescue) in responding to the Assessed Property; provide better property identification and recognition of property; will enhance the aesthetics, value, use, enjoyment, safety and access to Assessed Property; and facilitate traffic flow to and from the Assessed Property during nighttime hours.

(I) It is consistent with City of Winter Springs v. State that the benefit received by non-assessment area residents en route to other parts of the County is incidental to the benefits received by the properties within the assessment area.

(J) The imposition and levy of an annual Street Lighting Assessment is the most equitable and efficient method of allocating and apportioning the costs of the streetlights within the Street Lighting Assessment Area.

SECTION 4. CREATION OF STREET LIGHTING ASSESSMENT AREA.

The **SOLIVITA PHASE 5A AND SOLIVITA PHASE 5B Street Lighting Assessment Area (“Street Lighting Assessment Area”)** is hereby created and shall include the lands described as:

Lots 1 through 122, Plat of Solivita Phase 5-A, as recorded in Plat Book 165, Pages 10 through 21, Public Records of Polk County, Florida, being in Section 15, Township 27 South, Range 28 East, Polk County, Florida;

AND

Lots 123 through 251, Plat of Solivita Phase 5-B, as recorded in Plat Book 177, Pages 1 through 4, Public Records of Polk County, Florida, being in Section 15, Township 27 South, Range 28 East, Polk County, Florida.

SECTION 5. LIGHTING SERVICES.

(A) The **SOLIVITA PHASE 5A AND SOLIVITA PHASE 5B Street Lighting Assessment Area** shall consist of the following street lighting poles and lights which have been or will be installed, operated and maintained by DUKE ENERGY (“Power Company”):

77 – 100W HPS Monticello Blk S49PM
77 – 16’ Colonial Single P492

(B) The estimated annual Street Lighting Assessment Cost is \$33,597.47.

(C) The initial estimated Street Lighting Assessment for the Fiscal Year beginning October 1, 2024 is \$134.00.

(D) Changes to the Lighting Services can be made in accordance with the Master Street Lighting Assessment Ordinance.

SECTION 6. Method of Apportionment.

(A) The Street Lighting Assessments shall generally be levied equally upon each Assessment Unit assigned to each Tax Parcel provided with Street Lighting Services as shown on the Property Appraiser's tax roll.

(B) The standard Assessment Unit for the Street Lighting Assessment Area shall be a Lot.

(C) The annual Street Lighting Assessments shall generally be calculated for each Tax Parcel, excluding the Excluded Parcels, in the following manner:

1) ANNUAL SERVICE COMPONENT. The Annual Service Component shall be calculated for each Fiscal Year for each Tax Parcel by dividing the number of Assessment Units attributable to such Tax Parcel by the total number of Assessment Units attributable to all Tax Parcels within Street Lighting Assessment Area, and multiplying the result by the estimated Street Lighting Assessed Cost.

2) ASSESSMENT COLLECTION COST. The Assessment Collection Cost shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Annual Service Component for such Tax Parcel by (b) the Street Lighting Assessed Cost and (2) multiplying the result by the Assessment Collection Cost.

3) STATUTORY DISCOUNT AMOUNT. The Statutory Discount Amount shall be computed for each Tax Parcel by deducting (1) the sum of (a) the Annual Service Component and (b) the Assessment

Collection Cost, from (2) the amount computed by dividing (a) the sum of (i) the Annual Service Component and (ii) the Assessment Collection Cost, by (b) the factor of 0.95.

- 4) STREET LIGHTING ASSESSMENT. The annual Street Lighting Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Service Component, (2) the Assessment Collection Cost, and (3) the Statutory Discount Amount.

SECTION 7. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 21st day of November, 2023.

ATTEST:
STACY M. BUTTERFIELD, CPA,
CLERK

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
_____, Chair