

RESOLUTION NO. 24-

FINAL ASSESSMENT RESOLUTION FOR EXCESSIVE BULK WASTE FOR FISCAL YEAR 2024/25

WHEREAS, pursuant to Polk County Ordinance 18-016 (the “Ordinance”), Polk County (the “County”) has undertaken a program to collect and dispose of Excessive Bulk Waste; and

WHEREAS, the Ordinance authorizes the County to collect and dispose of Excessive Bulk Waste if the parcel owner fails to do so after receiving notice of the Excessive Bulk Waste; and

WHEREAS, the Ordinance authorizes the County to impose an Excessive Bulk Waste Assessment upon Assessment Property to collect the costs incurred by the County to collect and dispose of the Excessive Bulk Waste: and

WHEREAS, the Board of County Commissioners (BoCC) finds that the properties improved as a result of the County collecting and disposing Excessive Bulk Waste have specially benefited from the County’s actions in an amount equal to or greater in kind and degree than other properties in the County; and

WHEREAS, the owners of many of the benefited properties have failed or refused to reimburse the County for the costs incurred by the County in improving their property resulting in liens being recorded against the benefited properties; and

WHEREAS, the BoCC finds that it is fair, reasonable, and equitable to assess against each benefited property a non-ad valorem special assessment in an amount equal to the costs incurred by the County in improving said property, less any amounts paid by

the property owner to offset such costs; and

WHEREAS, the BoCC finds that the properties subject to this non-ad valorem special assessment derived a special benefit from the service provided and that it is fairly and reasonably apportioned among the properties that received the special benefit; and

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632, Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes; and

WHEREAS, notice was given, pursuant to Section 197.3632, Florida Statutes, that the BoCC would collect the liens imposed for the collection of Excessive Bulk Waste by means of the uniform method of collecting non-ad valorem assessments at a properly advertised public hearing held on December 5, 2023; and

WHEREAS, the BoCC desires to utilize the uniform method of collecting non-ad valorem assessments to collect the non-ad valorem assessments specified herein; and

WHEREAS, the BoCC, on July 2, 2024, adopted a Tentative Assessment Roll and scheduled a Public Hearing for purposes of adopting a final Assessment Roll for the non-ad valorem assessments specified herein on September 9, 2024; and

WHEREAS, First Class Mail Notice of the proposed assessments and the public hearing was given to the property owners by means of the TRIM notice prepared and mailed by the Polk County Property Appraiser and by published notice in a newspaper of general circulation, as required by Section 197.3632, Florida Statutes, the proof of

publication being attached hereto as Exhibit “A”; and

WHEREAS, a public hearing was held on September 9, 2024, 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 Polk County, Florida:

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to the Ordinance, Article VIII, Section (1), Florida Constitution, sections 125.01 and 125.66, Florida Statutes, the Polk County Home Rule Charter and other applicable provisions of law.

SECTION 2. FINDINGS. The foregoing findings are incorporated herein by reference and made a part hereof. The Assessment imposed under the Ordinance and this Final Assessment Resolution is a non-ad valorem assessment within the meaning and intent of Section 197.3632, Florida Statutes, or its successor in function.

SECTION 3. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the masculine include the feminine gender and vice versa. The word “shall” is always mandatory and not merely discretionary.

SECTION 4. ELECTION TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS. The BoCC hereby elects to utilize the uniform method of collecting non-ad valorem assessments, as provided in Section 197.3632,

Florida Statutes for collecting the non-ad valorem assessments specified herein and attached hereto and made a part hereof as Exhibit "B".

SECTION 5. ADOPTION OF FINAL ASSESSMENT ROLL. The BoCC hereby adopts Exhibit "B" as Polk County's final assessment roll ("Final Assessment Roll") for special assessments imposed against properties for the collection and disposal of Excessive Bulk Waste.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Resolution shall be the final adjudication of the issues presented (including without limitation, the determination of special benefit and fair apportionment to the Assessed Properties, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Rate Resolution.

SECTION 7. REIMPOSITION OF LIEN. Excessive Bulk Waste Assessments shall constitute a lien upon the Assessed Property 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.

SECTION 8. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Resolution.

SECTION 9. AUTHORIZATION OF COUNTY ATTORNEY TO CERTIFY ROLL.

The County Attorney or his designee is hereby authorized and designated to certify the non-ad valorem assessment roll adopted herein to the Tax Collector on compatible electronic medium.

SECTION 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon passage.

ADOPTED this 9th day of September, 2024.

ATTEST:
Stacy M. Butterfield, CLERK

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
W. C. Braswell, Chairman

EXHIBIT "A"

PROOF OF PUBLICATION

AFFIDAVIT OF PUBLICATION

Polk Sun

Published Weekly

Winter Haven, Polk County, Florida

Case No. Excessive Bulkl Waste SA

**STATE OF FLORIDA
COUNTY OF POLK**

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Polk Sun, a newspaper published at Winter Haven in Polk County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

August 07, 2024

Affiant further says that the Polk Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Anita Swain

Anita Swain

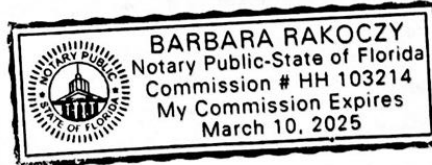
Sworn to and subscribed before me this 7th day of August 2024 by Anita Swain, who is personally known to me.

Barbara Rakoczy

Barbara Rakoczy, Clerk, Notary Number: #HH103214
Notary expires: March 10, 2025

00042418 00162892

Lisa Conran
POLK COUNTY BOARD OF
COMMISSIONERS
P.O. Box 9005 | Drawer AT01|
330 W CHURCH STREET
BARTOW, FL 33831-9005



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF EXCESSIVE BULK WASTE ASSESSMENTS FOR THE COLLECTION AND DISPOSAL OF EXCESSIVE BULK WASTE

Notice is hereby given that the Polk County Board of County Commissioners will conduct a public hearing to consider imposing special assessments against properties specially benefited from the County's collection and disposal of Excessive Bulk Waste pursuant to Polk County Ordinance 18-016. Properties specially benefited and subject to the non-ad valorem assessments and the amount of the assessments are listed below.

Case No.	Prop Owner	Address	Parcel ID	Area	Assessment	Notes
2024-001	JENNIFER B. BUCHER	1000 W. WINDY HILL RD. WINTER HAVEN, FL 33884	2024-001	1.00 AC.	\$12.50	
2024-002	ALPHONSO J. LEE	2000 W. WINDY HILL RD. WINTER HAVEN, FL 33884	2024-002	1.00 AC.	\$12.50	
2024-003	BARBARA RAKOCZY	330 W. CHURCH STREET BARTOW, FL 33831	2024-003	0.50 AC.	\$6.25	
2024-004
					TOTAL	\$15,000.00

The hearing will be held at 6:00 p.m. on September 9, 2024, or as soon thereafter as the matter may be heard, in the Commission Board Room, 1st Floor of the Administration Building located at 330 West Church Street, Bartow, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Board within 20 days of this notice. If a person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Polk County Public Information Office at (863) 534-6000, at least five (5) days prior to the date of the hearing. If hearing impaired: (TDD) (863) 534-7777 or 1-800-955-8771, or Voice (V) 1-800-855-8770, via Florida Relay Service. Copies of the Tentative Assessment Roll are available for inspection at the Clerk's office, located at 330 West Church Street, Bartow, Florida. The assessments will be collected by the tax collector on the ad valorem tax bill as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. If you have any questions, please contact the Polk County Code Enforcement Unit at (863) 534-6092, Monday through Thursday between 8:00 a.m. and 5:00 p.m.

BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA

EXHIBIT "B"

FINAL ASSESSMENT ROLL

CASE	PROP OWNER 1	PARCEL ID#	LEGAL DESCRIPTION OF LOT	VIOL ADDRESS	VIOL	GRAND TOTAL
CBW-2022-518	CARLTON TAYLOR	283033-955400-000292	LINDUS PARK PB 32 PG 16 LOT 29 W 140 FT SAID LOT 29 HAVING A FRONTAGE OF 66 FT ON STREETS & HAVING A DEPTH OF 280 FT M/L	826 LINDUS RD, BABSON PARK	EXCESSIVE BULK WASTE	552.02
CBW-2022-530	LORENZO IGNACIO GARCIA SILDA JANETT DEAN	232933-142384-000070	SHADY BROOKE PB 87 PG 48 LOT 7	3427 OAK MEADOWS DR, MULBERRY	EXCESSIVE BULK WASTE	385.33
CBW-2022-965	COLUMBA URBINA	283206-985600-002080	ADD TO BAY VIEW PARK SUB PB 10 PG 26 BLK B LOTS 8 & 9 LESS R/W FOR CR 630	1625 FORT MEADE RD, FROSTPROOF	EXCESSIVE BULK WASTE	380.37
CBW-2022-944	J R MARKET INC	272716-740500-021801	FLA DEVELOPMENT CO SUB PB 3 PGS 60 TO 63 LOTS 18 LYING E OF US 17 LESS S 124 FT & LESS BEG 124 FT N OF INTER E R/W OF U S 17 & S LINE LOT 18 RUN E 163 FT N06-21E 202 FT N80-39W 128.29 FT TO CURVE SLY ALONG CURVE 229.27 FT TO POB & LESS BEG PT 124 FT N OF S LINE LOT 18 & 163 FT E OF R/W OF US 17-92 RUN N06-21E 172 FT E TO E LINE OF LOT 18 S 166 FT M/L W 159.5 FT M/L TO POB & LOT 19 LESS E 308 FT & LESS S 124 FT IN SE1/4	2671 HWY 17 92 N, HAINES CITY	EXCESSIVE BULK WASTE	568.30

CBW-2023-52	MOZELL AXON SR, EVELYN MURPHY, WILLIE AXON JR, ERNEST AXON, NATHANIEL AXON, IRENE HARRELL,LESTER AXON	252633- 296500- 006190	POLK CITY PB 24 PG 1 & 1A S28 29 32 33 & 34 T26 R25 BLK 6 LOTS 19 & 20	0 SMITH RD, POLK CITY	EXCESSIVE BULK WASTE	389.29
CBW-2022-882	HUALIN C YIP	282618- 932903- 000930	SERENO PHASE ONE PB 146 PG 22- 25 LOT 93	1653 TAMARIND RD, DAVENPORT	EXCESSIVE BULK WASTE	632.04
CBW-2023-65	JOEL MARTINEZ	263018- 000000- 021060	BEG SE COR OF NE1/4 OF NE1/4 OF SE1/4 RUN N 80 FT FOR POB N 80 FT W 240 FT S 80 FT E 240 FT TO POB LESS MAINT R/W	2847 REYNOLDS RD, BARTOW	EXCESSIVE BULK WASTE	852.16
CBW-2023-95	JAMES T KING III	242827- 000000- 022015	BEG SE COR OF SE1/4 RUN W 925.82 FT N 400 FT TO POB CONT N 100 FT W 600 FT S 100 FT E 600 FT TO POB	2704 CRYSTAL LAKE ACRES DR, LAKELAND	EXCESSIVE BULK WASTE	565.38
CBW-2023-35	AKHENA T CROSS, OSCAR F CROSS III, DANIELLA F CROSS WILKINS, THAMI P CROSS	252927- 362290- 000160	GORDON HEIGHTS PHASE 5 PB 59 PG 48 LOT 16	2760 FRAZIER ST, BARTOW	EXCESSIVE BULK WASTE	564.69
CBW-2023-50	ESTATE OF JANICE F BRIDGES, MACK REVOCABLE TRUST	272934- 875300- 002100	NORTHSIDE HEIGHTS PB 36 PG 48 BLK B LOT 10	148 NORTHSIDE DR, LAKE WALES	EXCESSIVE BULK WASTE	756.52
CBW-2023-117	EDGAR MACDONALD, SANDRA MACDONALD	272629- 707020- 002831	REPLAT NO 1 OF CRESCENT ESTS SUB #1 UNIT A PB 63 PG 49 LOTS 283 & 284 & TRACT H DESC AS BEG NW COR OF LOT 284 RUN E 189.60 FT S 03 DEG 32' 07" E 17.95 FT S 60 DEG W 156.25 FT N 30 DEG W 110.78 FT TO POB	12 COTTONWOOD DR, DAVENPORT	EXCESSIVE BULK WASTE	450.72

CBW-2023-154	ESTATE OF NELY BORBA ORSINI	232810-000000-023066	BEG 710 FT W & 455 FT N OF SE COR OF NW1/4 OF SE1/4 RUN W 165 FT N 70 FT E 165 FT S 70 FT TO POB LESS E 32.5 FT FOR RD	1220 EL CAMINO RD, LAKELAND	EXCESSIVE BULK WASTE	1,035.99
CBW-2023-186	WILLIE FELTON, JOSEPHINE NEAL MAGEE	242701-160951-000400	COUNTRY TRAILS PHASE ONE PB 82 PGS 30 & 31 LOT 40	4505 COUNTRY TRAILS DR, POLK CITY	EXCESSIVE BULK WASTE	563.82
CBW-2023-213	AMANDA R BLOCKER	283207-985700-008160	SUN RAY HOMES PLAT 1 PB 43 PG 8 BLK H LOT 16	232 THOMAS AVE, FROSTPROOF	EXCESSIVE BULK WASTE	767.32
CBW-2023-216	RICHARD L GIBSON JR, WANDA S LEGER	232823-107000-002270	ROSEMONT PB 12-21 BLK 2 LOTS 27 & 28	825 SOUTHERN AVE, LAKELAND	EXCESSIVE BULK WASTE	945.17
CBW-2023-224	ALPHONSO SITAL	283018-947210-003170	HIGHLAND PARK MANOR PLAT #2 PB 56 PG 8 BLK 3 LOT 17	2449 LYDIA ST, LAKE WALES	EXCESSIVE BULK WASTE	563.82
CBW-2023-246	DANIEL PAUL, DENNIS PAUL, SANDY PAUL BEVEL, DAVID PAUL, ESTATE OF BERTHA FRIMAT, ALICE KOHLER, HELEN ALLEN	232823-098500-002240	IDLEWILD SUB PB 7 PG 44 BLK B LOT 24	1833 OAKHILL ST, LAKELAND	EXCESSIVE BULK WASTE	448.84
CBW-2023-750	FELICIA SKIDMORE	252706-298340-004340	MOUNT OLIVE HEIGHTS PLAT BOOK 64 PAGE 14 BLOCK D LOT 34	5540 JACOB AVE, POLK CITY	EXCESSIVE BULK WASTE	445.75
CBW-2019-3355	SANDRA L DELGADO	232810-000000-041008	E 140 FT OF S 154 FT OF E1/2 OF SW1/4 OF NE1/4 OF SW1/4 LESS RD R/W ON S SIDE	2929 CRUTCHFIELD RD, LAKELAND	EXCESSIVE BULK WASTE	2,087.85

CBW-2022-140	WILLIAM R COLLETTE	283218-000000-031020	BEG ON ELY SIDE RAYMOND AVE 125 FT S FROM INT E SIDE RAYMOND AVE WITH N SIDE WILLIAM ST RUN ELY 120 FT SLY 75 FT WLY 120 FT NLY 75 FT TO POB BEING LOT B BLK 10 OF UNRE SURVEY	503 RAYMOND AVE, FROSTPROOF	EXCESSIVE BULK WASTE	390.59
					TOTAL	\$ 13,345.97