

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1099.98**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; REGARDING ACCEPTANCE OF OVERDUE STORMWATER FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town has billed for stormwater utility fees since the fee was established, effective October 1, 1993; and

**WHEREAS**, the title to some properties in Town has changed since October 1, 1993 and there may be some current property owners who did not obtain information regarding outstanding fees or claims when they purchased their property, and in such circumstances the debt technically belongs to the property and is owed by the property owner - a concept that is legally correct, but frustrating and confusing to the property owner and the Town representatives; and

**WHEREAS**, the Town desires to collect as efficiently as possible, a fair and equitable fee without large costs of collections and extended delays, giving the residents the benefit of the doubt;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Town of Golden Beach hereby accepts payment of past due or unbilled stormwater utility fees from the time of purchase of houses or property in the Town

as full satisfaction of pending Stormwater Utility Fees from October, 1993 or from the date of purchase, whichever is shorter, provided that no other overdue charges are owed to the Town on any other matter(s).

**Section 2.** That the Town Attorney and Town Manager are authorized and directed to collect such outstanding fees and issue receipts and satisfactions to the property owner(s) paying the overdue fees.

**Section 3. Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

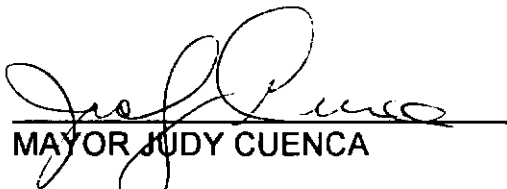
**Section 4. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** That this Resolution shall become effective immediately upon approval of the Town Council.

The Motion to adopt the foregoing Resolution was offered by Councilmember Fistel, seconded by Councilmember Rodriguez and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Aye</u>
Councilwoman Chikovsky	<u>Aye</u>
Councilman Fistel	<u>Aye</u>
Councilman Rodriguez	<u>Aye</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 19<sup>th</sup> day of May, 1998.

  
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MAYOR JUDY CUENCA

ATTEST:

  
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ROBERT "SKIP" JOHNSTON  
INTERIM TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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JON M. HENNING  
TOWN ATTORNEY