



# CITY OF MARATHON

9805 Overseas Highway

Marathon, Florida 33050

Phone: (305) 289-4104 -305-289-4115

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## PROCEDURES FOR APPEAL OF THE FISCAL YEAR 2009-10 CITY OF MARATHON WASTEWATER ASSESSMENT

A. **Appeal Deadlines** – The deadline for an Appeal of the Fiscal Year 2009-10 wastewater assessment based on Unity of Title or for Appeals based on other factors is August 15, 2009. Any appeals filed after this initial period will be accepted and processed, but any adjustments granted may not appear on the November 2009 property tax bill. If the owner elects to prepay their wastewater assessment and subsequently is granted an adjustment as a result of an Appeal, the difference between the adjusted assessment and the prepaid amount will be reimbursed, without any interest and less any non-refundable finance or administrative charges.

B. **Basis of Appeal** – An Appeal may be appropriate for a number of reasons:

### Residential Properties

Since the assessments for residential units are not based on water meter data, how much water you use does not affect your assessment. It is based on the number of properties you own and the number of dwelling units you own. Your assessment is not higher due to irrigation or other water uses.

If you own multiple adjoining lots and have been assessed for each of those lots, you may be able to reduce your assessment by combining the lots under Unity of Title. If you wish to appeal your assessment on this basis, check the "Unity of Title" box on the Appeal Form. You will need to demonstrate that you have recorded the Unity of Title with Monroe County. In order to apply the Unity of Title to the 2009 assessment, you are required to execute the Unity of Title and provide proof of such in accordance with Section 3.08 of Resolution 2008-96 prior to August 15, 2009.

You may also appeal your assessment if you believe that the property you own has been misclassified. If you believe this to be the case, you should check the "Other" box. Appeals based on the contention that the lot is unbuildable by virtue of size or other factors should be accompanied by any available documentation in support of that contention. These Appeals will be addressed by the Assessment Review Panel on a case by case basis with input from the City's Planning Director and Building Department.

### Other Property Classes

Other classes of properties, such as commercial properties, hotels, commercial condominiums, apartments and RV Parks, are assessed based on their historical water use. If no historical use exists, industry standards or engineering judgment will be used. Water use will be based on the highest 3-concurrent-monthly average daily flow over a 3 year period (the 3 year period to be determined by submission of FCAA records). In addition to the Unity of Title and misclassification options for appeal, you may appeal your assessment by challenging the water use records. On the appeal form there are boxes to check for "Excessive Use" and for "Irrigation". If you have had a problem with your plumbing, such as a broken pipe, that caused you to have high water bills for a short period of time, you can appeal your assessment by checking the "Excessive Use" box. You will need to attach documentation in the form of water bills showing your normal water use before and after the leak and/or an adjustment from FCAA on your water bill. You will also need to describe the plumbing problem, how and when it was repaired, and attach a copy of the repair bill from the plumber or for parts obtained to fix the water leak. There must be sufficient information to demonstrate the existence of a water leak.

If you use water that you believe will not enter the sewer system, you can appeal your assessment by checking the "Irrigation" box. Use this box even if the water use is for boat washing, ice production or other non-irrigation uses. You will need to attach information regarding your irrigation meter including copies of the past 12 months of water bills for

that meter. If you do not currently have an irrigation meter, but believe that you could reduce your assessment by having one installed, you should contact the FKAA and request an irrigation meter. After you have collected 12 months of irrigation flow data, your assessment will be adjusted appropriately.

If your property currently has a wastewater treatment plant, you may have wastewater flow information from that facility. This wastewater flow information will not be used in place of water use data. The City is using water use records only for calculating assessments since everyone has a water meter. Water use is used as a proxy to determine the wastewater flow. The calculations used already take into account that only a portion of the water used becomes wastewater.

C. **Filing Your Appeal** – The Appeal must be delivered or mailed to the City's Utility Manager. Upon receipt, the Utility Manager will log in the Appeal. The mailing information for the Utility Manager is as follows:

**City of Marathon**  
**Att: Utility Manager**  
**9805 Overseas Highway**  
**Marathon, FL 33050**

The upper portion of the attached Assessment Appeal Form should be filled out completely. It is very important for the Parcel Number, FKAA Water Account Number and other information to be accurate. It should match the information on your Assessment notification. You must also provide copies of your water bills for the period in question if your appeal is based on water use history.

D. **Review by Assessment Review Panel** – The Assessment Review Panel will review the Appeal and issue a recommended decision to the City Manager. Prior to issuing the recommended decision the Assessment Review Panel may request one or more informal discussions with the owner, and may request additional information and documentation.

E. **City Manager Review** – Upon issuance of the recommended decision by the Assessment Review Panel, the Utility Manager will transmit the recommended decision to the City Manager for final action within thirty (30) days after issuance. The City Manager may decide to accept or modify the decision recommended by the Assessment Review Panel. If the City Manager concludes that there are disputed issues of material fact, the City Manager may schedule a meeting with the property owner to further review the Appeal or may request additional information. After due consideration, the City Manager will issue a notice to the owner rendering a decision on the Appeal. If the owner disputes the City Manager's final decision, the owner may request, although is not entitled to, a public hearing before the City Council. If the City Council elects, in its sole discretion, to hear the Appeal, such hearing shall take place at a regularly scheduled City Council meeting. The City Manager's decision, or the City Council's decision on the Appeal after a public hearing, shall be the final City action on the Appeal.



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## WASTEWATER ASSESSMENT APPEAL FORM

Parcel No.: \_\_\_\_\_ FCAA Account No.: \_\_\_\_\_

Date: \_\_\_\_\_

Reason for Appeal:

- Excessive Use
- Irrigation
- Unity of Title
- Other. Please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Nos.: \_\_\_\_\_  
\_\_\_\_\_

### AFFIDAVIT

I hereby swear or affirm that the information I have provided in this application is true and correct.

\_\_\_\_\_  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

### *For City Use Only*

Decision:

- Adjustment from original assessment of \_\_\_\_\_ to revised assessment of \_\_\_\_\_ .
- Appeal Denied
- Refund Approved

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appeal Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Decision Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3.08. UNITY OF TITLE.**

(A) Any person owning two or more contiguous Real Estate Parcels may claim a Unity of Title and thereby have all Real Estate Parcels included in said Unity of Title treated as one Real Estate Parcel for purposes of the Assessment.

(B) In order to qualify for Unity of Title, the property owner of two or more contiguous Real Estate Parcels must record a Unity of Title instrument in the public records of Monroe County, at said property owner's sole cost and expense, wherein the property owner agrees to condition, restrict and limit the use of said Real Estate Parcels. The Unity of Title instrument must contain the following:

(1) A list of the contiguous Real Estate Parcels to be included in the Unity of Title;

(2) A covenant stating that all Real Estate Parcels included within the Unity of Title shall be considered one Real Estate Parcel such that only one (1) Building is, can, or will be constructed or sited thereon in accordance with applicable laws and regulations;

(3) A covenant stating that no portion of the Real Estate Parcels included within the Unity of Title shall thereafter be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land; and

(4) A covenant providing that the Unity of Title conditions, restrictions, and limitations shall be deemed a covenant running with the land and shall remain in full force and effect, and be binding upon the property owner, the property owner's heirs and assigns, until such time as the same may be released in writing by the Council.

(C) Any property owner desiring to claim Unity of Title for purposes of the Assessments must record a properly executed and notarized Unity of Title instrument meeting the requirements of this Section 3.08 in the public records of Monroe County and provide a certified copy of said Unity of Title instrument to the City Manager prior to the date of the Final Assessment Resolution.

**Questions and Answers Regarding the  
City of Marathon Wastewater Improvement Project**

**Q. What is the Wastewater Improvement Project?**

In 1999, the Legislature passed the Laws of Florida Chapter 99-935, 2010 Wastewater Treatment Standards for the entire Monroe County that requires Monroe County and all of the cities within the County to cease discharge within existing sewage facilities and construct new advanced wastewater treatment facilities by July 1, 2010. The construction of the new wastewater treatment facilities constitutes the Wastewater Improvement Project.

**Q. What improvements is the City making?**

The City is constructing a wastewater treatment plant and wastewater collection lines to serve all the service areas.

**Q. Who will oversee the improvements made?**

The City's staff and engineers are overseeing the project and will maintain final authority over what improvements will be made and the compliance guidelines used.

**Q. How does the City plan to pay for the Wastewater Improvement Project?**

The City plans to borrow money for project construction from the State of Florida Revolving Fund (SRF) Loan program and other loan sources. The interest rates available from the SRF are lower than those available currently from commercial lending institutions. This will allow for the benefit from the lowest possible lending rate to be passed on to the affected property owners. The City Council will impose special assessments to repay the funds borrowed for construction of the proposed wastewater improvements.

**Q. What is a special assessment?**

A special assessment is a cost-sharing mechanism that assigns an equitable amount of project improvement costs to each affected property that derives a special benefit from the improvements made.

**Q. What will the assessment fund?**

The assessment will fund the costs of constructing the wastewater plant and installing the wastewater lines to provide service to the affected properties within the service areas.

**Q. How has my assessment amount been determined?**

Each real estate parcel has been assigned a proportionate share of the costs of construction, annual debt service and administrative costs. The City Council has adopted a "split charge" methodology for apportioning the wastewater costs that (1) allocates the transmission and treatment costs based on wastewater flow estimations using Equivalent Dwelling Units (EDUs) and (2) allocates the wastewater collection system costs based upon the physical number of wastewater connections for each parcel. Your parcel specific information has been provided on the notice included within this package.

**Q. What is an EDU? What is a connection?**

Using information from the Florida Keys Aqueduct Authority (FKAA) billing records for water use in the Florida Keys, the volume of potable water consumed during the peak three months by an average single family residence has been determined to be 167 gallons per day. An Equivalent Dwelling Unit, or EDU, was assigned to every single family residential dwelling unit. This average was also used to assign EDUs to all other properties based on their FKAA billing records for water use. Connections were assigned based on existing water connections or field work verification. A summary of the rules used to assign EDUs and wastewater connections to property use categories is available from the City.

**Q. What if I think my assessment amount is incorrect?**

If you think your assessment amount is incorrect, you may contact the City staff for review. There is an appeals process available in the event that a property owner disputes the billing units assigned to a property.

**Q. What if I own more than one real estate parcel but will never improve these parcels and will not require wastewater services?**

If you own more than one tax parcel, but want the multiple parcels to be considered as a single tax parcel, a unity of title document can be executed by you and the billing units would be assigned on a single tax parcel basis. Certain provisions within the unity of title may include that no portion of the property would be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land; and that this condition, restriction, and limitation would be deemed a covenant running with the land and would remain in full force and effect, and be binding upon the property owner, the property owner's heirs and assigns, until such time as the same may be

released in writing by the City. The unity of title instrument would be recorded in the public records of Monroe County.

**Q. I own unimproved, vacant land. Why should I pay for wastewater services?**

Typically, special assessments for wastewater improvements are imposed on improved and unimproved property because even the unimproved property benefits from the availability of wastewater service. Because of the Building Permit Allocation System (BPAS) effective in Monroe County, unimproved properties are restricted in their ability to improve (build on) their property; however, the City has to construct the wastewater system capacity to serve the unimproved properties should they be allowed to develop. Therefore, the proposed special assessment program includes the unimproved properties in the Wastewater Service Areas, but only assigns one EDU and one connection to these properties. If the property improves and requires more than these minimum service levels, the City will collect the additional assessment amounts before granting the development rights. It is important to note that the inclusion of these unimproved properties within the assessment program does not in and of itself grant the property owners the ability to improve their property.

**Q. For how long will the assessment be imposed?**

The special assessment will be imposed for a period of 20 years.

**Q. Can the assessment be paid off early?**

The City will provide for an initial prepayment period. All affected property owners that desire to avoid finance costs related to their allocated portion of the Wastewater Improvement Project costs will be allowed to pay off their full assessment without finance costs during this period.

After the initial prepayment period, the special assessment will be included on the annual property tax bills for affected property owners scheduled for mailing around November 1, 2009. After the initial prepayment period is over, affected property owners may still pay off the imposed special assessment by paying (1) the annual assessment amount included on the tax bill and (2) the remaining additional assessment balance outstanding. This amount will be updated on an annual basis.

**Q. What will happen if property owners do not pay the assessment?**

Because the City is using the tax bill collection method, Florida law requires that all ad valorem taxes and accompanying capital improvements assessments be paid at the same time. If both the taxes and the special assessments are not paid, a lien will be placed against the property equal in rank and dignity with the liens of all state, county and municipal taxes and special assessments.

**Q. What procedures will be followed by the City to establish the special assessment?**

Notices Mailed to Property Owners	June 23, 2009
Public Hearing to Adopt Final Assessment Resolution (Rates)	July 14, 2009
Prepayment Period	July 15, 2009 – August 28, 2009
First Tax Bill to include Annual Assessment	November 1, 2009

**Q. What if the property owner cannot pay the full assessment amount at one time?**

If the property owner makes monthly mortgage payments, it is likely that their mortgage holder will be able to escrow this amount much like property taxes and their monthly payment will include this assessment. Alternatively, if the property owner would like to make installment payments, they can contact the Monroe County Tax Collector to arrange to participate in the quarterly installment program for the payment of taxes and assessments.