
CHARLOTTE COUNTY, FLORIDA

**SAN SEBASTIAN HARBOR
SEWER EXPANSION PROJECT
FINAL ASSESSMENT RESOLUTION**

RESOLUTION NUMBER 16-_____

ADOPTED JULY 20, 2016

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RESOLUTION NO. 16-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF THE SEWER EXPANSION PROJECT WITHIN THE PROPOSED SAN SEBASTIAN HARBOR MUNICIPAL SERVICE BENEFIT UNIT; CREATING THE SAN SEBASTIAN HARBOR MUNICIPAL SERVICE BENEFIT UNIT; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") of Charlotte County, Florida, enacted Ordinance No. 2016-19 on April 12, 2016 (the "Ordinance"), to provide for the creation of municipal service benefit units and authorize the imposition of special assessments to fund the construction of local improvements to serve the property located therein; and

WHEREAS, on June 14, 2016, the Board adopted Resolution No. 16-093 (the "Initial Assessment Resolution") proposing creation of the San Sebastian Harbor Sewer Expansion Project Municipal Service Benefit Unit and describing the method of assessing the Capital Cost against the real property that will be specially benefited thereby, and directing preparation of the tentative Assessment Roll and provision of the notices required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the County is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the Board deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has heretofore been filed with the office of the County Administrator, as required by the Ordinance; and

WHEREAS, as required by the terms of the Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing was held on July 20, 2016, 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 CHARLOTTE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance, the Initial Assessment Resolution, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. CREATION OF MSBU. The San Sebastian Harbor Sewer Expansion Project Municipal Service Benefit Unit is hereby created to include the property described in Appendix C attached hereto and incorporated herein. The MSBU is created for the purpose of improving the use and enjoyment of property located therein by funding the construction of the Sewer Expansion Project to provide access to central

sewer treatment facilities, thereby providing for the proper, safe, and cost effective treatment and disposal of wastewater generated on such property, which improves the utilization, marketability and development potential of said properties.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby confirmed and ratified and such terms and provisions are hereby incorporated by reference.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll, which is currently on file with the MSBU Division and incorporated herein by reference, is hereby approved.

SECTION 6. IMPOSITION OF ASSESSMENTS TO FUND THE PROJECT COST OF THE SAN SEBASTIAN HARBOR SEWER EXPANSION PROJECT.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by the design, construction, and installation of the Sewer Expansion Project in the amount of the maximum annual Assessment set forth in the Assessment Roll.

(B) The methodology for computing annual Assessments described in the Initial Assessment Resolution is hereby approved.

(C) Annual Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll for a period of not to exceed 20 years, commencing in November 2016, in the following amounts: For the Fiscal Year beginning October 1, 2016, and for all

future Fiscal Years thereafter, Assessments shall be levied and imposed on all Tax Parcels described in the Assessment Roll at a rate of \$1,276.00 per Platted Lot.

(D) Upon adoption of this Final Assessment Resolution:

(1) The Assessments shall constitute a lien against 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 the ad valorem tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act. The lien shall be deemed perfected upon adoption by the Board of this Final Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(2) As to any Tax Parcel that is to be acquired or otherwise transferred to an entity for which Assessments cannot be collected pursuant to the Uniform Assessment Collection Act through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Rate Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments to the extent permitted by law. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the

Annual Rate Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Rate Resolution.

SECTION 7. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Final Assessment Resolution, the County Administrator shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments will be computed, the Assessment Roll, the maximum annual Assessment, the levy and lien of the Assessments and the terms for prepayment of the Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board action on this Final Assessment Resolution.

SECTION 9. ASSESSMENT NOTICE. The County Administrator is hereby directed to record this Resolution as notice of the Assessments in the Official Records Book in the office of the Charlotte County Clerk of Courts. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the County Administrator and shall be available for public inspection.

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

DULY ADOPTED this 20th day of July, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA**

(SEAL)

By: _____
William G. Truex
Chairman

ATTEST:

By: _____
Barbara T. Scott,
Clerk of the Circuit Court

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR15-3703 MWM

APPENDIX A
PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned authority, personally appeared Deana M. Southwell, who, after being duly sworn, deposes and says:

1. I, Deana M. Southwell, have been designated by the County Administrator of Charlotte County, Florida, to mail the notices required by Section 2.05 of Resolution No. 16-093, adopted by the Board of County Commissioners of Charlotte County, Florida, on June 14, 2016 (the "Initial Assessment Resolution").

2. On or before June 29, 2016, I mailed, or directed the mailing of, a notice in accordance with Section 2.05 of the Initial Assessment Resolution by first class mail, to each owner of property within the San Sebastian Harbor Sewer Expansion Project Municipal Service Benefit Unit in conformance with the requirements of Ordinance No. 2016-19, enacted by the Board of County Commissioners of Charlotte County, Florida, on April 12, 2016, at the address shown on the real property assessment tax roll maintained by the Charlotte County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.


Deana M. Southwell

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by Deana M. Southwell, who is personally known to me and did not take an oath.

WITNESS, my hand and official seal this 18th day of July, A.D., 2016.



Signature of person taking acknowledgment



LINDA ANGELO
MY COMMISSION # FF 076339
EXPIRES: February 17, 2018
Bonded Thru Budget Notary Services

Name of acknowledged (printed)

My commission expires: _____

APPENDIX C - San Sebastian Sewer MSBU Parcel I.D. List

Parcel I.D.

412317353001
412317353002
412317353003
412317353004
412317353005
412317353006
412317353007
412317353008
412317353009
412317353010
412317353011
412317353012
412317354001
412317354002
412317354003
412317354004
412317354005
412317354006
412317354007
412317354008
412317354009
412317354010
412317354011
412317354012
412317354013
412317354014
412317354015

Parcel I.D.

412317354016
412317354017
412317354018
412317354019
412317354020
412317355001
412317355002
412317355003
412317356001
412317356002
412317356003
412317356004
412320101001
412320101002
412320101003
412320101004
412320101005
412320102001
412320102002
412320102003
412320102004
412320102005
412320102006
412320103001
412320103002
412320103003
412320103004

APPENDIX D

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Chairman of the Board of County Commissioners, or authorized agent of Charlotte County, Florida (the "County"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the San Sebastian Harbor Sewer Expansion Project (the "Non-Ad Valorem Assessment Roll") for the County is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Charlotte County Tax Collector by September 15, 2016.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Charlotte County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of _____, 2016.

CHARLOTTE COUNTY, FLORIDA

By: _____
Chairman

[to be delivered to Tax Collector prior to September 15]