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**CHARLOTTE COUNTY, FLORIDA**

**US 41  
RECLAIMED WATER 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 RECLAIMED WATER EXPANSION PROJECT WITHIN THE PROPOSED US 41 MUNICIPAL SERVICE BENEFIT UNIT; CREATING THE US 41 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. 16-088 (the "Initial Assessment Resolution") proposing creation of the US 41 Reclaimed Water 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 US 41 Reclaimed Water 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 Reclaimed Water Expansion Project to provide access

to Reclaimed Water service to the owners and occupants of property, which can be used for irrigation, landscaping, and cleaning, amongst other productive uses, and thereby improves the utilization, marketability and development potential of said properties, in addition to providing for the protection and/or stabilization of property values and the health and safety of the owners and occupants of property.

**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 US41 RECLAIMED WATER 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 Reclaimed Water 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 23 years, commencing in November 2016,

in the following amounts: (1) for the Fiscal Year beginning October 1, 2016, Assessments shall be levied and imposed on all Tax Parcels described in the Assessment Roll at a rate of \$0.14 per lineal foot of Offset Front Footage; and (2) for future Fiscal Years Assessments shall be levied and imposed on all Tax Parcels described in the Assessment Roll up to a maximum rate of \$1.47 per lineal foot of Offset Front Footage.

(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 20<sup>th</sup> 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  
LR15-3769 MWM



**APPENDIX A**  
**PROOF OF PUBLICATION**

**APPENDIX B**

**AFFIDAVIT OF MAILING**

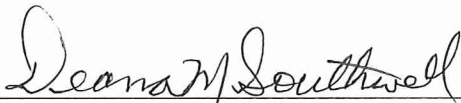
STATE OF FLORIDA  
COUNTY OF CHARLOTTE

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. 16-088, 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 US 41 Reclaimed Water 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 13<sup>th</sup> 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 acknowledger (printed)

My commission expires: \_\_\_\_\_

APPENDIX C – US 41 Reclaimed Water MSBU Parcel I.D. List

402101351006	402101381012	402101384010	402101429004	402101456013
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402104229002	402111127031	402111226020	402112126016	402112226017
402104230001	402111127032	402111226021	402112126017	402112226018
402104231001	402111127033	402111226022	402112126018	402112226019
402104231008	402111127034	402111226023	402112126019	402112226020
402104232001	402111127035	402111226024	402112131001	402112226021
402110228001	402111201001	402111226025	402112131002	402112226022
402110228002	402111201003	402111226026	402112131003	402112226023
402110228003	402111201004	402111226027	402112131004	402112226024
402110228004	402111201005	402111226028	402112131005	402112501001
402111101001	402111201006	402111226029	402112131006	402112501002
402111101002	402111201007	402111226030	402112131007	402112501003
402111101003	402111201008	402111229001	402112131008	
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402111101005	402111201010	402112101002	402112201001	
402111101006	402111201011	402112101003	402112201006	
402111101007	402111201012	402112102001	402112201007	
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402111106002	402111201015	402112102006	402112201010	
402111126001	402111201016	402112102007	402112201011	
402111126002	402111201017	402112102008	402112201012	
402111127001	402111201018	402112102009	402112201013	
402111127002	402111201019	402112102010	402112201014	
402111127003	402111201020	402112102011	402112201015	
402111127004	402111201021	402112102012	402112201016	
402111127005	402111201022	402112102013	402112201017	

**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 US 41 Reclaimed Water 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]**