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**CHARLOTTE COUNTY, FLORIDA**

**US 41  
POTABLE 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 POTABLE 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. 16-087 (the "Initial Assessment Resolution") proposing creation of the US 41 Potable 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 Potable 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 Potable Water Expansion Project to provide access to

potable water service, which improves the utilization, marketability and development potential of said properties, and provides 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 POTABLE 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 Potable 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 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

\$0.45 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 \$3.63 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  
LR15-3638 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. 16-087, 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 Potable 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

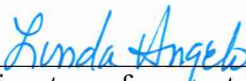
STATE OF FLORIDA  
COUNTY OF CHARLOTTE

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.



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



Signature of person taking acknowledgment

Name of acknowledger (printed)

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

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

402101351014	402101406017	402101453002	402101476007	402102356003
402101351015	402101407003	402101453003	402101476008	402102356004
402101353014	402101407004	402101453004	402101476009	402102356005
402101353015	402101408002	402101453005	402101476010	402102356006
402101353016	402101408003	402101453006	402101476011	402102356007
402101353017	402101408004	402101453008	402101476012	402102356008
402101353018	402101408006	402101453009	402101476013	402102356009
402101353019	402101408007	402101453010	402101477001	402102356010
402101353020	402101409002	402101454001	402101478001	402102356011
402101353021	402101409003	402101454002	402101478002	402102356012
402101353022	402101409004	402101454003	402101478003	402102356013
402101353023	402101409005	402101454004	402101478004	402102377010
402101354001	402101409006	402101454005	402101478005	402102377011
402101354002	402101410001	402101454006	402101478006	402102377012
402101354003	402101410002	402101454007	402101478007	402102380011
402101354004	402101410003	402101454008	402101478008	402102380012
402101354005	402101410004	402101454009	402101478009	402102380013
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402101354007	402101410006	402101454011	402101478016	402102380015
402101354008	402101410007	402101455001	402101479001	402102380016
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402101354011	402101411003	402101455004	402102302003	402102380019
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402101354016	402101428012	402101455009	402102302008	402102381003
402101354017	402101428013	402101455010	402102302009	402102381004
402101354018	402101428014	402101456001	402102302010	402102381008
402101355006	402101428015	402101457001	402102351001	402102381009
402101355007	402101428016	402101457002	402102351002	402102381010
402101355017	402101428017	402101458001	402102351003	402102381011
402101356001	402101428018	402101458014	402102351004	402102381020
402101380003	402101428019	402101458017	402102351005	402102452005
402101380004	402101428020	402101458018	402102351006	402102452006
402101384005	402101428021	402101458019	402102351007	402102452012
402101384006	402101429001	402101458020	402102352001	402102452013
402101384007	402101429003	402101458021	402102352003	402102453008
402101384008	402101429004	402101458022	402102352004	402102453009
402101384009	402101429005	402101458023	402102352005	402102453018
402101384010	402101429006	402101458024	402102352006	402102453019
402101384011	402101429007	402101458025	402102352007	402102454009
402101384012	402101429008	402101458026	402102352009	402102454010
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402101406015	402101452005	402101476005	402102356001	402102455019
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APPENDIX C – US 41 Potable Water MSBU Parcel I.D. List

402102457001	402103104007	402103426014	402111127001	402112102003
402102457002	402103104008	402103427001	402111127002	402112102006
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402102457016	402103153015	402103427015	402111127016	402112126007
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402103104005	402103426012	402103481003	402112102001	
402103104006	402103426013	402104230001	402112102002	

**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 Potable 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]**