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**CHARLOTTE COUNTY, FLORIDA**

**CHARLOTTE HARBOR WATER QUALITY INITIATIVE PHASE 2  
ACKERMAN COUNTRYMAN  
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 ACKERMAN COUNTRYMAN MUNICIPAL SERVICE BENEFIT UNIT; CREATING THE ACKERMAN COUNTRYMAN MUNICIPAL SERVICE BENEFIT UNIT; AMENDING SECTION 3.03(A)(3) OF THE INITIAL ASSESSMENT RESOLUTION; 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. 16-091 (the "Initial Assessment Resolution") proposing creation of the Ackerman Countryman Potable Water Expansion Project Municipal Service Benefit Unit and describing the method of assessing the Capital Cost and Connection Fees 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 Ackerman Countryman 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. AMENDMENT OF SECTION 3.03(A)(3) OF THE INITIAL ASSESSMENT RESOLUTION.** Section 3.03(A)(3) of the Initial Assessment Resolution is hereby amended to read as follows:

(stricken words indicate deletions, underlined words indicate additions)

(3) Large Tracts shall be assigned ERUs based on their land area, as provided in the table below. In calculating the number of ERUs attributable to each Large Tract, the depth of a Large Tract, ~~as determined by the County Utilities Department using AutoCAD 2012 Software~~ as determined by the County utilizing the GIS maps and the recorded plats, that is utilized in calculating the land area of such Large Tract shall be limited to a maximum of 125 feet.

<b>Table 1: Capital Cost ERU Calculations</b>	
<b>Land Area of Large Tract</b>	<b>ERUs to be Assessed</b>
Greater than or equal to 39,500 but less than 44,500 square feet.	4
Greater than or equal to 44,500 but less than 49,500 square feet.	4.5
Greater than or equal to 49,500 but less than 54,500 square feet.	5.0
Greater than or equal to 54,500 but less than 59,500 square feet.	5.5
Greater than or equal to 59,500 but less than 64,500 square feet.	6.0
Greater than or equal to 64,500 but less than 69,500 square feet.	6.5
Greater than or equal to 69,500 but less than 74,500 square feet.	7.0

<b>Table 1: Capital Cost ERU Calculations</b>	
<b>Land Area of Large Tract</b>	<b>ERUs to be Assessed</b>
Greater than or equal to 74,500 but less than 79,500 square feet.	7.5
Greater than or equal to 79,500 but less than 84,500 square feet.	8.0
Greater than or equal to 84,500 but less than 89,500 square feet.	8.5
Greater than or equal to 89,500 but less than 94,500 square feet.	9.0
Greater than or equal to 94,500 but less than 99,500 square feet.	9.5
Greater than or equal to 99,500 but less than 104,500 square feet.	10.0
Greater than or equal to 104,500 but less than 109,500 square feet.	10.5
Greater than or equal to 109,500 but less than 114,500 square feet.	11.0
Greater than or equal to 114,500 but less than 119,500 square feet.	11.5
Greater than or equal to 119,500 but less than 124,500 square feet.	12.0
Greater than or equal to 124,500 but less than 129,500 square feet.	12.5
Greater than or equal to 129,500 but less than 134,500 square feet.	13.0
Greater than or equal to 134,500 but less than 139,500 square feet.	13.5
Greater than or equal to 139,500 but less than 144,500 square feet.	14.0
Greater than or equal to 144,500 but less than 149,500 square feet.	14.5
Greater than or equal to 149,500 but less than 155,500 square feet.	15.0
Greater than or equal to 155,500 but less than 159,500 square feet.	15.5
Greater than or equal to 159,500 but less than 164,500 square feet.	16.0
Greater than or equal to 164,500 but less than 169,500 square feet.	16.5
Greater than or equal to 169,500 but less than 174,500 square feet.	17.0
Greater than or equal to 174,500 but less than 179,500 square feet.	17.5
Greater than or equal to 179,500 but less than 184,500 square feet.	18.0
Greater than or equal to 184,500 but less than 189,500 square feet.	18.5
Greater than or equal to 189,500 but less than 194,500 square feet.	19.0
Greater than or equal to 194,500 but less than 199,500 square feet.	19.5
Greater than or equal to 199,500 but less than 204,500 square feet.	20.0
Greater than or equal to 204,500 but less than 209,500 square feet.	20.5
Greater than or equal to 209,500 but less than 214,500 square feet.	21.0
Continue same methodology on large tracts with greater land area.	

**SECTION 5. CONFIRMATION OF INITIAL ASSESSMENT**

**RESOLUTION.** The Initial Assessment Resolution is hereby confirmed and ratified and

such terms and provisions are hereby incorporated by reference, subject to the amendment to Section 3.03(A)(3) provided in Section 5 hereof.

**SECTION 6. 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 7. IMPOSITION OF ASSESSMENTS TO FUND THE PROJECT COST OF THE ACKERMAN COUNTRYMAN 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 and imposition of the Connection Fees 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 \$28.70 per ERU; 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 \$474.34 per ERU.

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



**SECTION 8. 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 9. 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 10. 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 11. 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. 16-091, 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 Ackerman Countryman 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*  
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 Angelo*  
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 – Ackerman Potable Water MSBU Parcel I.D. List

402124304008	402124453007	402125231014	402125284005	402125429012
402124304011	402124453008	402125231015	402125284006	402125429013
402124304019	402124453009	402125231016	402125284007	402125429014
402124378001	402124453014	402125231017	402125284008	402125429015
402124378005	402124453015	402125231018	402125284009	402125430002
402124379004	402124453016	402125231019	402125284010	402125430003
402124379005	402124453017	402125231020	402125285001	402125430004
402124379006	402124454007	402125231021	402125285002	402125430005
402124379007	402124454014	402125231022	402125285003	402125430006
402124380001	402124454015	402125232001	402125285004	402125431001
402124380002	402124454017	402125232002	402125285005	402125431002
402124380003	402124456006	402125232003	402125285006	402125431003
402124380004	402124456007	402125232004	402125285007	402125431004
402124380006	402124456009	402125232005	402125285008	402125432001
402124380007	402124456022	402125232006	402125285009	402125432003
402124380008	402124456023	402125232009	402125285010	402219354010
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402124380010	402124456025	402125232011	402125285012	402219355012
402124381003	402124456026	402125232012	402125285013	402219356006
402124381004	402124456027	402125232013	402125285014	402219382019
402124381005	402124456028	402125232014	402125285015	402219455014
402124381006	402124476010	402125232015	402125285016	402219455015
402124381007	402124476011	402125232018	402125286001	402219479001
402124381008	402124476012	402125232019	402125286002	402219479008
402124381009	402124476013	402125232020	402125286003	402228151001
402124381018	402124476014	402125233001	402125286004	402229227009
402124382001	402125230013	402125233002	402125286005	402229227014
402124382002	402125230014	402125233003	402125286012	402229227015
402124382003	402125230015	402125233004	402125287001	402229227016
402124382004	402125230016	402125233005	402125287002	402229227017
402124382005	402125230017	402125233006	402125287003	402229227018
402124382006	402125230018	402125233007	402125287004	402230102012
402124382007	402125230019	402125233008	402125287005	402230102013
402124382008	402125230020	402125233009	402125406005	402230102014
402124382009	402125230021	402125233010	402125406006	402230102015
402124382010	402125230022	402125233011	402125406011	402230102016
402124382011	402125230023	402125279002	402125407001	402230102017
402124382012	402125230024	402125279003	402125407002	402230102018
402124382013	402125231001	402125280001	402125407003	402230102020
402124383015	402125231002	402125280002	402125407004	402230104001
402124383016	402125231003	402125280003	402125427008	402230104002
402124452014	402125231004	402125280004	402125427009	402230104003
402124452015	402125231005	402125281001	402125429001	402230104004
402124452016	402125231006	402125281002	402125429002	402230104005
402124452017	402125231007	402125281003	402125429003	402230104006
402124452018	402125231008	402125281004	402125429004	402230104007
402124452019	402125231009	402125282001	402125429005	402230104008
402124452020	402125231010	402125282002	402125429006	402230104009
402124453004	402125231011	402125282003	402125429007	402230105009
402124453005	402125231012	402125284001	402125429008	402230105010
402124453006	402125231013	402125284004	402125429009	402230105011

APPENDIX C – Ackerman Potable Water MSBU Parcel I.D. List

402230105012	402230128006	402230132004	402230154013	402230180011
402230105013	402230128007	402230132005	402230154014	402230180012
402230105014	402230128008	402230132006	402230154015	402230180013
402230105015	402230128009	402230132007	402230155001	402230180014
402230105016	402230129001	402230151001	402230155002	402230182001
402230105017	402230129002	402230151002	402230155003	402230182002
402230105018	402230129003	402230151003	402230155004	402230182003
402230106001	402230129004	402230151004	402230155005	402230182004
402230106002	402230129005	402230151005	402230155006	402230182005
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402230106005	402230129008	402230151008	402230155011	402230183003
402230106006	402230129009	402230151009	402230155012	402230183004
402230106007	402230129010	402230151010	402230155013	402230183005
402230106008	402230129011	402230151011	402230156001	402230254003
402230106009	402230129012	402230151012	402230156002	402230254004
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402230106013	402230129016	402230152008	402230156006	402230255004
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**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 Ackerman Countryman 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]**