
CHARLOTTE COUNTY, FLORIDA

**EL JOBEAN
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 EL JOBEAN MUNICIPAL SERVICE BENEFIT UNIT; CREATING THE EL JOBEAN 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. 16-090 (the "Initial Assessment Resolution") proposing creation of the El Jobean Sewer 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 El Jobean 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 EL JOBEAN 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 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 22 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 \$49.77 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 \$732.16 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 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
LR15-3771 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. 16-090, 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 El Jobean 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
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 13th 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 - El Jobean Sewer MSBU Parcel I.D. List

402121481004	402128188002	402128234011	402128251006
402127302001	402128188003	402128234012	402128251007
402127302002	402128188004	402128234013	402128251008
402127302003	402128188005	402128234014	402128251009
402127302004	402128189001	402128234015	402128251010
402127302005	402128189002	402128234016	402128251011
402127302006	402128189003	402128234017	402128251012
402127302007	402128229001	402128234018	402128251013
402127303001	402128229002	402128234019	402128251014
402127303002	402128229003	402128234020	402128251015
402127303003	402128229004	402128234021	402128251016
402127304003	402128229005	402128234022	402128251017
402127304004	402128230001	402128234023	402128252002
402128130001	402128230002	402128234024	402128252003
402128130002	402128230003	402128234025	402128252004
402128130004	402128230005	402128235001	402128252005
402128164001	402128230006	402128235002	402128252006
402128164002	402128231002	402128235003	402128252007
402128164003	402128231003	402128235004	402128252008
402128164004	402128231004	402128235006	402128252009
402128178001	402128231006	402128235008	402128252010
402128178002	402128231007	402128235009	402128252012
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402128178004	402128232002	402128235011	402128252014
402128178005	402128232003	402128235012	402128252015
402128178006	402128232004	402128235014	402128252016
402128178007	402128232005	402128235015	402128252017
402128182001	402128232006	402128235016	402128252018
402128183009	402128232007	402128235017	402128252019
402128183010	402128232008	402128235018	402128252020
402128184001	402128233002	402128236001	402128252021
402128185001	402128233003	402128236002	402128252022
402128186003	402128233004	402128236003	402128252026
402128187001	402128233005	402128236004	402128253001
402128187002	402128233006	402128236005	402128253003
402128187003	402128233007	402128236006	402128253004
402128187004	402128233008	402128236007	402128253005
402128187005	402128233009	402128236008	402128254001
402128187006	402128234001	402128236009	402128254002
402128187007	402128234002	402128236010	402128254003
402128187008	402128234003	402128236011	402128255001
402128187009	402128234004	402128237001	402128255002
402128187010	402128234005	402128237002	402128255003
402128187011	402128234006	402128237003	402128256001
402128187012	402128234007	402128251002	402128257001
402128187013	402128234008	402128251003	402128257002
402128187014	402128234009	402128251004	402128257003
402128188001	402128234010	402128251005	402128258001

APPENDIX C - El Jobean Sewer MSBU Parcel I.D. List

402128258002	402128280010	402128284012	402128326009
402128258003	402128281001	402128284013	402128326010
402128258004	402128281002	402128285001	402128326011
402128258005	402128281003	402128285002	402128326012
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402128258007	402128281005	402128285004	402128326014
402128258008	402128281006	402128285005	402128326015
402128258009	402128281007	402128285006	402128327001
402128258010	402128281008	402128285007	402128327002
402128258011	402128281009	402128285008	402128327004
402128258012	402128281010	402128285009	402128327007
402128258013	402128281011	402128285010	402128327008
402128259001	402128281012	402128285011	402128327009
402128259002	402128281013	402128285012	402128327010
402128259003	402128282001	402128285013	402128327011
402128259004	402128282002	402128285014	402128327012
402128259005	402128282003	402128285015	402128328001
402128260001	402128282004	402128286001	402128328002
402128260002	402128282005	402128286002	402128328004
402128260003	402128282006	402128286003	402128328005
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402128261002	402128282008	402128286005	402128329002
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402128262002	402128282010	402128286007	402128329004
402128262003	402128283001	402128286008	402128329005
402128262005	402128283002	402128286009	402128329006
402128262006	402128283003	402128286010	402128330001
402128262007	402128283004	402128286011	402128330002
402128263001	402128283005	402128286012	402128330003
402128277001	402128283006	402128286013	402128330004
402128277002	402128283007	402128286014	402128330005
402128278001	402128283008	402128286015	402128331001
402128278002	402128283009	402128286016	402128332001
402128278003	402128283010	402128301005	402128333001
402128278004	402128283011	402128304004	402128333002
402128278006	402128283012	402128304005	402128334001
402128278007	402128283013	402128304006	402128401001
402128278008	402128284001	402128304007	402128401002
402128279001	402128284002	402128304008	402128401003
402128280001	402128284003	402128305001	402128401004
402128280002	402128284004	402128326001	402128401005
402128280003	402128284005	402128326002	402128401006
402128280004	402128284006	402128326003	402128401007
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402128280006	402128284008	402128326005	402128401009
402128280007	402128284009	402128326006	402128402003
402128280008	402128284010	402128326007	402128403001
402128280009	402128284011	402128326008	402128403002

APPENDIX C - El Jobean Sewer MSBU Parcel I.D. List

402128403003	402128413004	402128428006	402128433004
402128403004	402128413005	402128428007	402128433005
402128403005	402128413006	402128428008	402128433006
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402128413002	402128428004	402128433001	
402128413003	402128428005	402128433003	

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 El Jobean 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]