
CHARLOTTE COUNTY, FLORIDA

**DON PEDRO-KNIGHT ISLAND BEACH RENOURISHMENT PROJECT
FINAL ASSESSMENT RESOLUTION**

RESOLUTION NUMBER 2018-_____

ADOPTED JULY 19, 2018

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RESOLUTION NO. 2018-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RELATING TO THE FUNDING, CONSTRUCTION, AND MAINTENANCE OF THE DON PEDRO-KNIGHT ISLAND BEACH RENOURISHMENT PROJECT; PROVIDING AUTHORITY AND DEFINITIONS; IMPOSING CAPITAL AND MAINTENANCE ASSESSMENTS FOR THE BEACH RENOURISHMENT PROJECT; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; APPROVING THE FINAL ASSESSMENT ROLLS; PROVIDING FOR THE IMPOSITION OF THE ASSESSMENTS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Charlotte County, Florida (the “County”) adopted Article I, Chapter 4-1 of the Charlotte County Code of Ordinances (the “Ordinance”), to provide for the imposition of non-ad valorem special assessments to fund the construction of Local Improvements and the provision of Maintenance services to benefit property within municipal service benefit units; and

WHEREAS, on April 24, 2018, the Board adopted Resolution No. 2018-047 (the "Initial Assessment Resolution"), describing the method of assessing the Project Costs for the Beach Renourishment Project against the real property that will be specially benefited thereby within the Don Pedro-Knight Island Beach Renourishment Municipal Service Benefit Unit (“MSBU”) and directing preparation of the Capital Assessment Roll and the Maintenance Assessment Roll and the provision of the notices required by the Ordinance: and

WHEREAS, pursuant to the provisions of the Ordinance, the Board 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 Rolls have been filed with the County Administrator, as required by the Ordinance; and

WHEREAS, as required by 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 concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held on July 19, 2018 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 Final Assessment Resolution is adopted pursuant to the Ordinance, the Initial Assessment Resolution, Chapter 125, Florida Statutes, Article VIII, Section 1, Florida Constitution, 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 Final Assessment

Resolution shall have the meanings defined in the Ordinance and Initial Assessment Resolution.

SECTION 3. IMPOSITION OF ASSESSMENTS TO FUND THE PROJECT COST AND MAINTENANCE COST OF THE BEACH RENOURISHMENT PROJECT.

(A) In the Initial Assessment Resolution the County committed to funding 50% of the local Capital Cost or \$2,751,090 from other legally available revenue sources. In order to assist those property Owners within the MSBU with the financial burden associated with the Beach Renourishment Project, the County has committed additional funding from other legally available revenue sources. As such, the Capital Cost and Project Cost numbers are revised as follows:

(1) The remaining local Capital Cost to be funded from properties within the MSBU is \$2,200,872.

(2) The remaining local Project Cost to be funded through the imposition of Capital Assessments against real property located within the MSBU is \$2,771,942.

(B) The Tax Parcels described in the Capital Assessment Roll and Maintenance Assessment Roll are hereby found to be specially benefited by the design, construction, and installation of the Beach Renourishment Project and the related Maintenance in the amount of the maximum annual Assessments set forth in the assessment rolls.

(C) The methodology set forth in Section 3.03 of the Initial Assessment Resolution for assigning Assessment Units to each Tax Parcel within the MSBU and the

methodologies set forth in Sections 4.04 and 5.03 for computing the Capital Assessments and Maintenance Assessments, respectively, are hereby approved and found to be a fair and reasonable method of apportioning the Project Cost and Maintenance Cost among the benefited properties.

(D) Annual Capital Assessments and Maintenance Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Capital Assessment Roll and Maintenance Assessment Roll at the maximum annual assessment rates set forth in the final assessment rolls, which are attached hereto as Appendix C and incorporated herein by reference, for a period not to exceed eight (8) years, commencing with the ad valorem tax bill to be mailed in November 2018.

(E) Upon adoption of this Final Assessment Resolution:

(1) the Assessments shall constitute a lien against the 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 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 as of the prior January 1, the lien date for ad valorem taxes.

(2) As to any Tax Parcel that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the 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. 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 Assessment Resolution and shall attach to property included on the Assessment Roll upon adoption of the Annual Assessment Resolution.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby ratified and confirmed.

SECTION 5. APPROVAL OF ASSESSMENT ROLLS. The Capital and Maintenance Assessment Rolls, which are currently on file in the office of the County Administrator or the MSBU office of the Budget and Administrative Services Department (as designated by the County Administrator) and attached hereto as Appendix C, are hereby approved.

SECTION 6. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Final Assessment Resolution, the County shall cause the certification and delivery of the Assessment Rolls to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act. The Assessment Rolls, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix D.

SECTION 7. PREPAYMENT NOTICE. The County Administrator is hereby directed to provide notice by first class mail to the owner of each Tax Parcel described in the Capital Assessment Roll of the opportunity to prepay all future annual Capital Assessments, without additional financing costs. The notice, in substantially the form

attached as Appendix E, shall be mailed to each property owner at the address utilized for the notice provided pursuant to Section 2.03 of the Initial Assessment Resolution.

SECTION 8. EFFECT OF FINAL 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 Capital and Maintenance Assessments are computed, the Assessment Rolls, the annual Assessments, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the 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 Capital and Maintenance 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. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 19th day of July, 2018.

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

(SEAL)

KEN DOHERTY, Chairman

ATTEST:

By: _____
Roger Eaton,
Clerk of the Circuit Court

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR15-3234

APPENDIX A
PROOF OF PUBLICATION

APPENDIX B
AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Raymond Sandrock, _____, and _____, who, after being duly sworn, depose and say:

1. I, Raymond Sandrock, as County Administrator of Charlotte County, Florida ("County"), pursuant to the authority and direction received from the County Commission, timely directed the preparation of the Capital and Maintenance Assessment Rolls and the preparation, mailing, and publication of notices in accordance with Sections 4-1-4(d) and 4-1-4(e) of Article I, Chapter 4-1 of the Charlotte County Code of Ordinances (the "Assessment Ordinance") in conformance with the Initial Assessment Resolution adopted by the County Commission on April 24, 2018 (the "Initial Assessment Resolution").

2. I have caused the notices required by Sections 4-1-4(d) and 4-1-4(e) of the Assessment Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. I have caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessments; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessments; the number of such units contained within each parcel; the rate of assessments to be levied against the parcel; the total revenue the County expects to collect by the assessments; a statement that failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before June 29, 2018, I directed the mailing of the above-referenced notices by [NAME OF MAIL SERVICE] ("_____"), in accordance with Sections 4-1-4(d) and 4-1-4(e) of the Assessment Ordinance for First Class Mailing, to each Owner of Assessed Property (as defined in the Assessment Ordinance) shown on the Assessment Rolls, prepared in accordance with the Initial Assessment Resolution, at the addresses then shown on the real property assessment tax roll database maintained by the Charlotte County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. _____ is _____ of MAIL SERVICE. As directed above, MAIL SERVICE mailed or caused to be mailed on or before June 29, 2018, the above-referenced notices delivered to MAIL SERVICE by PARC.

FURTHER AFFIANTS SAYETH NOT.

_____, affiant

_____, affiant

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2018 by Raymond Sandrock, County Administrator, Charlotte County, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires:
Commission No.: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2018 by _____, as _____, [Mail Service Name], a Florida corporation. He/She is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires:
Commission No.: _____

APPENDIX C

CAPITAL ASSESSMENT ROLL

and

MAINTENANCE ASSESSMENT ROLL

APPENDIX C

**CAPITAL ASSESSMENT ROLL
and
MAINTENANCE ASSESSMENT ROLL**

[TO COME]

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 of Charlotte County, Florida, or an authorized agent of the County; as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the Beach Renourishment Local Improvements for the Don Petro-Knight Island Beach Renourishment Municipal Service Benefit Unit (the "Non-Ad Valorem Assessment Roll") 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, 2018.

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 _____, 2018.

CHARLOTTE COUNTY, FLORIDA

By: _____
Chairman

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

APPENDIX E

FORM OF PREPAYMENT NOTICE

Notice of Initial Prepayment Option



*** THIS IS NOT A BILL ***

www.CharlotteCountyFL.gov

Owner Name:

Parcel ID Number:

[PROPERTY OWNER]

Property Address:

[ADDRESS]

Legal Description:

The Board of County Commissioners recently established and approved a special assessment against property within the Don Pedro-Knight Island Beach Renourishment Municipal Service Benefit Unit (MSBU) to fund the capital improvements and related maintenance of a beach renourishment project for portions of beaches on Don Pedro-Knight Island. This type of assessment where the property owners participate in the cost of the program is used throughout Florida and is consistent with the policy in Charlotte County.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. The capital portion of the assessments will be payable in eight (8) annual installments, the first of which shall be included on the ad valorem tax bill to be mailed in November 2018. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you take no action, the assessment will automatically be included on your tax bill, as described above. However, you may prepay your entire capital assessment in full prior to September 4, 2018 to avoid financing and collection costs. The maintenance assessment cannot be prepaid and will still appear on your tax bill. The amount required to prepay the capital assessment prior to September 4, 2018 is shown below.

If you have any questions, please contact the county's MSBU division at 941.743.1914, or from Englewood area at 941.681.3770

Prepayment for: Don Pedro-Knight Island Beach Renourishment MSBU - Capital

Initial Prepayment Amount (excludes financing costs): \$

Please make check for exact prepayment amount payable to: Charlotte County Board of County Commission

and mail to: Charlotte County BCC
Attention: Fiscal Services
18500 Murdock Circle, Rm 109-B
Port Charlotte, Florida 33948

Assessment records and copies of applicable Ordinances and Resolutions adopted by the Board of County Commissioners are on file at the MSBU Division, Room 229, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

RETURN THIS PORTION WITH PAYMENT

Owner Name:

Parcel ID Number:

Prepayment for: **Don Pedro-Knight Island Beach Renourishment MSBU - Capital**

Initial Prepayment Amount (excludes financing costs): \$

Please make check for exact prepayment amount payable to: Charlotte County Board of County Commissioners and mail to: Charlotte County BCC

Attention: Fiscal Services

18500 Murdock Circle, Rm 109-B

Port Charlotte, Florida 33948