
CHARLOTTE COUNTY, FLORIDA

**EL JOBEAN
SEWER EXPANSION PROJECT
FINAL ASSESSMENT RESOLUTION**

RESOLUTION NUMBER 18-_____

ADOPTED NOVEMBER 13, 2018

TABLE OF CONTENTS

PAGE

| | | |
|-------------|---|-----|
| SECTION 1. | AUTHORITY. | 2 |
| SECTION 2. | DEFINITIONS. | 2 |
| SECTION 3. | CREATION OF MSBU. | 3 |
| SECTION 4. | AMENDMENT OF THE INITIAL ASSESSMENT RESOLUTION. | 3 |
| SECTION 5. | CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. | 3 |
| SECTION 6. | APPROVAL OF ASSESSMENT ROLL. | 4 |
| SECTION 7. | IMPOSITION OF ASSESSMENTS TO FUND THE PROJECT COST OF THE EL JOBEAN SEWER EXPANSION PROJECT. | 4 |
| SECTION 8. | COLLECTION OF ASSESSMENTS. | 6 |
| SECTION 9. | EFFECT OF FINAL ASSESSMENT RESOLUTION. | 6 |
| SECTION 10. | ASSESSMENT NOTICE. | 7 |
| SECTION 11. | EFFECTIVE DATE. | 7 |
| APPENDIX A: | PROOF OF PUBLICATION..... | A-1 |
| APPENDIX B: | AFFIDAVIT OF MAILING..... | B-1 |
| APPENDIX C: | FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL..... | C-1 |

RESOLUTION NO. 18-__

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 EL JOBEAN WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT; CREATING THE EL JOBEAN WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT; AMENDING THE INITIAL ASSESSMENT RESOLUTION; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION, AS AMENDED; IMPOSING NON-AD VALOREM 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, as codified in Article I, Chapter 4-1 of the Charlotte County Code of Ordinances, 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 July 24, 2018, the Board adopted Resolution No. 18-097 (the "Initial Assessment Resolution") proposing creation of the El Jobean Wastewater Municipal Service Benefit Unit, describing the method of assessing the Project 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, the Board has elected to extend the deadline for filing Unity of Title and Deferral applications until January 1, 2019; and

WHEREAS, a public hearing was held on November 13, 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 Resolution is adopted pursuant to the Ordinance, the Initial Assessment Resolution, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS.

(A) This Resolution is the Final Assessment Resolution as defined in the Ordinance.

(B) All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. CREATION OF MSBU.

(A) The El Jobean Wastewater Municipal Service Benefit Unit is hereby created to include the property described in Appendix C attached to the Initial Assessment Resolution, which is hereby incorporated herein by reference.

(B) The MSBU is created for the purpose of improving the use and enjoyment of properties located therein by funding the construction of the Sewer Expansion Project to provide access to central wastewater treatment and collection services and 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. AMENDMENT OF THE INITIAL ASSESSMENT RESOLUTION.

(A) To extend the deadline for filing a Unity of Title application, Section 2.05(B) of the Initial Assessment Resolution is hereby amended as follows:

* * *

(B) The notice by mail shall inform each property owner of their ability to file a Unity of Title for purposes of the Assessments. All Unity of Titles must be filed on or before ~~November 1, 2018~~ January 1, 2019 on a form approved by the County.

* * *

[underline indicates additions; ~~strike through~~ indicates deletions]

(B) To extend the deadline for filing an election for a Deferral for Vacant Property, Section 3.09(A)(1) of the Initial Assessment Resolution is hereby amended as follows:

* * *

(1) In order to defer collection of the Assessment, the property owner of the Tax Parcel of Vacant Property must file a formal, irrevocable election for a Deferral on a form provided by the County, with the County Manager no later than ~~November 1, 2018~~ January 1, 2019. Any Deferral election is final and irrevocable.

* * *

[underline indicates additions; ~~strike through~~ indicates deletions]

SECTION 5. CONFIRMATION OF INITIAL ASSESSMENT

RESOLUTION. The Initial Assessment Resolution, as amended herein, is hereby ratified and confirmed and such terms and provisions are hereby incorporated by reference.

SECTION 6. APPROVAL OF ASSESSMENT ROLL. The Assessment

Roll, which is currently on file with the MSBU Office of the Budget and Administrative Services Department and incorporated herein by reference, is hereby approved.

SECTION 7. 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 in the amount of the maximum annual Assessment set forth in the Assessment Roll.

(B) The methodologies for assigning ERCs and computing annual Assessments described in Sections 3.03 and 3.05 respectively, of the Initial Assessment Resolution are 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 20 years, commencing with the tax bill to be mailed in November 2019. For the Fiscal Year beginning October 1, 2019, the Board hereby waives inclusion of the Collection Cost Component and Statutory Discount Amount in the calculation of the annual Assessment.

(D) In accordance with Section 4-1-2(e) of the Ordinance, upon adoption of this Final Assessment Resolution:

(1) The Assessments, including Assessments subject to a collection Deferral, 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 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 Prepayment Amount calculated in accordance with Section 3.04 of the Initial Assessment Resolution 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 8. COLLECTION OF ASSESSMENTS.

(A) The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

(B) Prior to September 15, 2019, the County Administrator shall update the Assessment Roll to account for any Tax Parcels that have prepaid or filed a valid Unity of Title, as allowed herein, and shall then cause the certification and delivery of the Assessment Roll, as it may be updated with new information received from the Property Appraiser, to the Tax Collector in the manner prescribed by the Uniform Assessment Collection Act.

(C) The Assessment Roll for the Assessments, 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 C.

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 13th day of November, 2018.

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

(SEAL)

By: _____
Kenneth W. Doherty,
Chairman

ATTEST:

By: _____
Roger D. Eaton, Clerk of the Circuit Court
And Ex-Officio to the Board of
County Commissioners

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

APPENDIX A
PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned authority, personally appeared Marilyn W. Miller, who, after being duly sworn, deposes and says:

1. I, Marilyn W. Miller, have been designated by the County Administrator of Charlotte County, Florida, to prepare and mail the notices required by Section 4-1-4(e) of the Charlotte County Code of Ordinances and Section 2.05 of Resolution No. 18-097, adopted by the Board of County Commissioners of Charlotte County, Florida, on July 24, 2018 (the "Initial Assessment Resolution").

2. On or before October 23, 2018, 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 Wastewater Municipal Service Benefit Unit in conformance with the requirements of Section 4-1-4(e) of the Charlotte County Code of Ordinances 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.

Affiant

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by Marilyn W. Miller, who is personally known to me or who has produced _____ as identification and did (did not) take an oath.

WITNESS, my hand and official seal this ___ day of _____, A.D., 2018.

Signature of person taking acknowledgment

Name of acknowledger (printed)

My commission expires: _____

APPENDIX C

**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, 2019.

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 _____, 2019.

CHARLOTTE COUNTY, FLORIDA

By: _____
Chairman

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