

**BEFORE THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NUMBER 24-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WATER DISTRIBUTION FACILITIES AND RELATED CAPITAL FACILITY CHARGES; CREATING THE HARBOR ESTATES/GAINES AVENUE AREA WATER MAIN 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 Martin County, Florida, enacted Ordinance No. 96-493 on April 9, 1996 (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 April 9, 2024, the Board adopted Resolution No. 24-4.2 (the "Initial Assessment Resolution") proposing creation of the Harbor Estates/Gaines Avenue Area Water Main Municipal Service Benefit Unit and describing the method of assessing the cost of Water Distribution Facilities and related Capital Facility Charges 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 April 30, 2024 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 MARTIN COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance, 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 Harbor Estates/Gaines Avenue Area Water Main Municipal Service Benefit Unit is hereby created to include the property described in Appendix E 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 Water Distribution Facilities to provide access to reliable potable water and financing the related Capital Facility Charges to reduce the immediate cost of connecting to the County's potable water distribution system.

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, a copy of which is attached hereto as Appendix D, is hereby approved.

SECTION 6. ASSESSMENTS.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by construction of the Water Distribution Facilities and related Capital Facility Charges in the amount of the maximum annual Assessment set forth in the Assessment Roll. The methodology for computing annual Assessments described in the Initial Assessment Resolution is hereby approved. 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 at a maximum annual rate of \$627.32 per ERC for a period of 20 years, commencing in November 2025. The resulting Initial Prepayment Amount is \$9,808.53 per ERC.

(B) Upon adoption of the Annual Assessment Resolution for each Fiscal Year:

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

SECTION 7. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, 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 Martin 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. 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 Assessment Roll of the opportunity to prepay all future annual Assessments, without financing cost. The notice, in substantially the form attached hereto as Appendix C, shall be mailed to each property owner at the address utilized for the notice provided pursuant to Section 2.05 of the Initial Assessment Resolution.

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

DULY ADOPTED this 30th day of April, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA**

(SEAL)

By: _____
Harold E. Jenkins II, Chair

ATTEST:

By: _____
Carolyn Timmann, Clerk of the
Circuit Court and Comptroller

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Sarah W. Woods, County Attorney

APPENDIX A
PROOF OF PUBLICATION

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MARTIN

BEFORE ME, the undersigned authority, personally appeared Renee Matonti, who, after being duly sworn, deposes and says:

1. I, Renee Matonti, have been designated by the County Administrator of Martin County, Florida, to mail the notices required by Section 2.05 of Resolution No. 24-4.2, adopted by the Board of County Commissioners of Martin County, Florida, on April 9, 2024 (the "Initial Assessment Resolution").

2. On or before April 10, 2024, 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 Harbor Estates/Gaines Avenue Area Water Main Municipal Service Benefit Unit in conformance with the requirements of Ordinance No. 96-493, enacted by the Board of County Commissioners of Martin County, Florida, on April 9, 1996, at the address shown on the real property assessment tax roll maintained by the Martin 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 MARTIN

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2024 by Renee Matonti, who is personally known to me or who has produced _____ as identification.

WITNESS, my hand and official seal this ___ day of _____, 2024.

Signature of person taking acknowledgment

Name of acknowledger (printed)

My commission expires: _____

APPENDIX C

FORM OF PREPAYMENT NOTICE

Martin County, Florida
Utilities Department
P.O. Box 9000
Stuart, Florida 34995-9000

RE: Harbor Estates/Gaines Avenue Area Water Main Municipal Service Benefit Unit

This is the bill for your water main assessment. The amount listed is your prepayment amount and should you choose this option, payment must be received in our office no later than _____. Please make your check payable to Martin County Utilities Department and return it with the extra copy of the invoice that is enclosed to ensure proper credit. We have provided a return envelope for your convenience.

If you choose to finance your assessment, do nothing at this time. Your first annual assessment will appear on the ad valorem tax bill mailed to you in November 2025. If you have any questions, please call the Martin County Utilities Department at 772/221-1303.

MARTIN COUNTY, FLORIDA
UTILITIES DEPARTMENT
P. O. BOX 9000
STUART, FLORIDA 34995-9000

INVOICE

[INSERT DATE]

HARBOR ESTATES/GAINES AVENUE AREA WATER MAIN MUNICIPAL
SERVICE BENEFIT UNIT

Parcel Control Number

PAR #

Prepayment Amount\$ _____

Prepayment due Date:

FIRST *LAST*

ADDR1

ADDR2

CITY *STATE* *ZIP*

APPENDIX D
ASSESSMENT ROLL

APPENDIX E

**PARCEL I.D. LIST OF PROPERTY LOCATED IN
HARBOR ESTATES/GAINES AVENUE AREA WATER MAIN MSBU
(as of the date of adoption of this Resolution)**

553841007000002018	553841007000005408
553841002000000104	553841000041000226
553841007000002704	553841007000005417
553841005000000600	553841013000000101
553841007000003302	553841007000001705
553841411000000403	553841007000007111
553841421000000606	553841000041000217
553841421000000508	553841007000001509
553841421000000401	553841007000007102
553841421000000303	553841007000002713
553841421000000116	553841007000001803
553841007000002303	553841000040000111
553841002000000202	553841007000002802
553841007000006407	553841007000007013
553841007000005907	553841007000001518
553841007000002401	553841007000002811
553841007000006005	553841007000007004
553841007000002107	553841007000001304
553841007000007317	553841007000001402
553841007000006210	553841000040000102
553841007000002508	553841005000001100
553841007000002116	553841007000006915
553841007000007308	553841007000002900
553841007000005818	553841005000001002
553841007000002205	553841007000001108
553841007000006112	553841007000006906
553841002000000300	553841007000001117
553841007000005809	553841007000003008
553841007000002517	553841007000001206
553841002000000319	553841000041000315
553841007000005701	553841007000006808
553841007000002214	553841005000000904
553841007000007200	553841007000000902
553841007000005319	553841000040000228
553841007000006201	553841007000006719
553841000041000253	553841007000000706
553841007000001901	553841000040000200
553841007000005426	553841005000000806
553841007000002606	553841007000003115
553841007000002009	553841007000001000

553841007000006700	553841000044000444
553841005000000708	553841002000000113
553841007000000715	553841007000005113
553841007000000804	553841000044000453
553841007000006602	553841007000004212
553841007000003204	553841007000003909
553841007000000500	553841007000003614
553841007000000813	553841007000005006
553841007000000608	553841007000004409
553841007000003507	553841007000003918
553841007000000305	553841007000003801
553841005000000502	553841000041000100
553841007000000314	553841007000005015
553841007000000403	553841007000004702
553841007000003400	553841000044000435
553841007000000412	553841007000004604
553841005000000405	553841007000004105
553841000040000317	553841007000004515
553841007000000118	553841007000003810
553841007000000207	553841000041000814
553841005000000101	553841007000004007
553841400000000102	553841000041000841
553841005000001306	553841411000000305
553841005000000209	553841411000000207
553841005000001208	553841410000000609
553841000045000414	553841410000000501
553841021000000101	553841411000000500
553841005000000307	553841411000000608
553841000040000308	553841411000000706
553841007000007406	553841007000001607
553841000045000511	553841007000005603
553841007000005202	553841021000000209
553841007000004908	553841000046000500
553841000044000417	553841000046000510
553841007000006513	
553841007000004800	
553841007000004301	
553841007000004203	
553841007000005211	
553841007000004917	
553841007000004819	
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