

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

**RESOLUTION NUMBER 18- 9.11**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, RELATING TO CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS; CREATING THE S.E. FLAMINGO DRIVE/S.E. KARIN STREET MUNICIPAL SERVICE BENEFIT UNIT; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; IMPOSING SPECIAL ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS AND DIRECTING THAT THE ASSESSMENT ROLL BE CERTIFIED; 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 July 10, 2018, the Board adopted Resolution No. 18-7.4 (the "Initial Assessment Resolution"), proposing creation of the S.E. Flamingo Drive/S.E. Karin Street Municipal Service Benefit Unit and describing the method of assessing the cost of the Road Improvements 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



Inst. # 2715606  
Bk: 3016 Pg: 47 Pages: 1 of 20  
Recorded on: 9/14/2018 4:24 PM Doc: GOV  
Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, FL  
Rec Fees: \$171.50

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 a result of additional due diligence conducted by the County after adoption of the Initial Assessment Resolution, it was discovered that an incorrect parcel number was included in Appendix C of the Initial Assessment Resolution; and

**WHEREAS**, the list of Tax Parcels was corrected prior to the mailing of notices described below and is now corrected in Appendix D attached hereto;

**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 September 11, 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 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 S.E. Flamingo Drive/S.E. Karin Street 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 cost of the Road Improvements to provide improved access to the property.

**SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.** With the exception of the changes relating to the list of Tax Parcels described in the recitals above, the Initial Assessment Resolution is otherwise hereby confirmed.

**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 Road Improvements 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 \$1,897.71 per Parcel Unit for a period of

10 years, commencing in November 2018. The resulting Initial Prepayment Amount is \$13,872.14 per Parcel Unit.

(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; CERTIFICATION OF ASSESSMENT ROLL.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of this Final Assessment Resolution and the Annual Assessment Resolution for each subsequent 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. The Assessment Roll, 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 F.

**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 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.

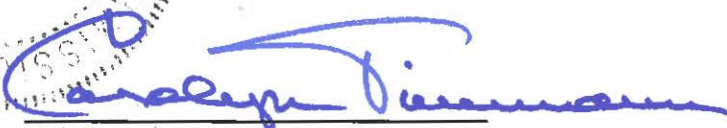
**DULY ADOPTED** this 11th day of September, 2018.

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

By:

  
Edward V. Ciampi, Chairman

By:

  
Carolyn Timmann, Clerk of the  
Circuit Court and Comptroller

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

By:

  
Sarah Woods, County Attorney

## **APPENDIX A**

### **PROOF OF PUBLICATION**



TCPALM

1939 SE Federal Highway, Stuart, FL 34994

## STATE OF FLORIDA

## COUNTY OF MARTIN

Customer	Ad Number	Coopline	PO#
433969 - MARTIN COUNTY BOCC (LEAS)	2092408	FLAMINGO DRIVE	

Sworn to and subscribed before me this day of, August 22, 2018, by

(X) personally known to me or  
( ) who has produced \_\_\_\_\_ as identification.

## Kuroi Kanyas

## History Public





**APPENDIX B**

**AFFIDAVIT OF MAILING**



## AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF MARTIN

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

1. I, SHERYL FULKS, have been designated by the County Administrator of Martin County, Florida, to mail the notices required by Section 2.05 of Resolution No.18-7.4, adopted by the Board of County Commissioners of Martin County, Florida, on July 10, 2018 (the "Initial Assessment Resolution").

2. On or before August 22, 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 S.E. Flamingo Drive/S.E. Karin Street 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.

Sheryl Fulks  
Affiant

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by SHERYL FULKS  
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 23 day of August, A.D., 2018.



D. Laughlin  
Signature of person taking acknowledgment

Daniel Laughlin  
Name of acknowledger (printed)

My commission expires: \_\_\_\_\_

## **APPENDIX C**

### **FORM OF PREPAYMENT NOTICE**

**MARTIN COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS  
2401 S.E. MONTEREY ROAD  
STUART, FLORIDA 34996**

**I N V O I C E**

DATE

\*FIRST\* \*LAST\*

\*ADDR1\*

\*ADDR2\*

\*CITY\* \*ST\* \*ZIP\*

RE: S.E. Flamingo Drive/S.E. Karin Street Municipal Service Benefit Unit  
\*PAR #\*

This is the bill for your road 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, Florida 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 2018. If you have any questions, please call us (772) 463-2837.

S.E. Flamingo Drive/S.E. Karin Street Municipal Service Benefit Unit  
\*PAR #\*

Total Assessment:                   \$\*TOTALASS\*

Payment Due Date:                   \_\_\_\_\_

## **APPENDIX D**

### **ASSESSMENT ROLL**



MARTIN COUNTY, FL  
FLAMINGO / KARIN ROAD IMPROVEMENTS TAX ROLL

ParcelID	Account	Owner	SiteAddress	DORCodeDescr	USE	ASMT PARCELS	TRIPS	PARCEL UNITS	INITIAL PREPAYMENT AMOUNT	MAX ANNUAL PAYMENT	TOTAL AMOUNT OF ANNUAL PAYMENTS
26-39-42-003-001-01130-1	61975	HALL, ALBERT E	9096 SE KARIN ST	0000 Vacant Residential	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-001-01140-9	61976	JIMENEZ, GUNTHER I	12959 SE FLAMINGO	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-002-00080-1	61989	BITTING, PHYLLIS	9125 SE KARIN ST	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-002-00100-7	61990	SHILLINGTON, NEIL F	12910 SE FLAMINGO DR	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-002-00101-6	61991	WAGNER, ROBERT D & TAMMY J	12900 SE FLAMINGO DR	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-002-00111-4	61993	HRIM KEVIN J	12980 SE FLAMINGO DR	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
26-39-42-003-002-00110-5	61992	BARNES, JOHN R BARNES, DONNA M	12950 SE FLAMINGO DR	0100 Single Family	SF	1	9.57	1	13,872.14	1,897.71	18,977.10
TOTAL						7	66.98	7	97,105.00	13,283.97	132,839.70

## **APPENDIX E**

### **DESCRIPTION OF TAX PARCELS LOCATED IN THE S.E. FLAMINGO DRIVE/S.E. KARIN STREET MSBU (as of the effective date of this Resolution)**

<u>Parcel Control Number</u>
26-39-42-003-001-01130-1
26-39-42-003-001-01140-9
26-39-42-003-002-00080-1
26-39-42-003-002-00100-7
26-39-42-003-002-00101-6
26-39-42-003-002-00111-4
26-39-42-003-002-00110-5

**APPENDIX F**

**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 Martin County, Florida (the "County"); as such I have satisfied myself that all real property included or includable on the non-ad valorem assessment roll for the S.E. Flamingo Drive/S.E. Karin Street Municipal Service Benefit Unit (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 real property listed therein have been made pursuant to law.

**I FURTHER CERTIFY** that, in accordance with the Uniform Assessment Collection Act, upon completion of this certificate and the attachment of the same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Martin County Tax Collector by September 15, 2018.

**IN WITNESS WHEREOF**, I have subscribed this certificate and directed the same to be delivered to the Martin County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 11<sup>th</sup> day of September, 2018.

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

By: \_\_\_\_\_

Chairman

**[to be delivered to Tax Collector prior to September 15 each year]**