

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

RESOLUTION NUMBER 21-__

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 HIDEAWAY ISLES 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 February 2, 2021, the Board adopted Resolution No. 21-2.5 (the "Initial Assessment Resolution") proposing creation of the Hideaway Isles 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 March 9, 2021 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 Hideaway Isles 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 \$636.08 per ERC for a period of 15 years, commencing in November 2021. The resulting Initial Prepayment Amount is \$7,458.00 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 9th day of March, 2021.

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

(SEAL)

By: _____
Stacey Hetherington, 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 _____

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. 21-2.5, adopted by the Board of County Commissioners of Martin County, Florida, on February 2, 2021 (the "Initial Assessment Resolution").

2. On or before February 17, 2021, 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 Hideaway Isles 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

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2021 by Renee Matonti, who is personally known to me or who has produced _____ as identification.

WITNESS, my hand and official seal this ___ day of _____, 2021.

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: Hideaway Isles 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 2021. If you have any questions, please call the Martin County Utilities Department at 772/288-5652.

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

INVOICE

[INSERT DATE]

HIDEAWAY ISLES 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
HIDEAWAY ISLES WATER MAIN MSBU
(as of the date of adoption of this Resolution)**

013840001500000100	013840001500001902
013840001000000101	013840001000003803
013840001000000209	013840001000002500
013840001500000208	013840001000002608
013840001000000307	013840002500002009
013840001500000306	013840001000003901
013840001000000405	013840002500002107
013840001500000404	013840002000005409
013840001000000502	013840002500002205
013840001500000501	013840002500002303
013840001500000609	013840002000005506
013840001000000708	013840002000005604
013840001500000707	013840002500002401
013840001000000806	013840002500002508
013840001500000903	013840003500005602
013840001500001001	013840003500005700
013840001500001109	013840003500005808
013840001000000904	013840003500005906
013840001500001207	013840003500006004
013840001000003206	013840003500006102
013840001500001305	013840003500006200
013840001000003304	013840001000001609
013840001000003000	013840001000001501
013840001000002001	013840001000001404
013840001500001403	013840001000001306
013840001000003402	013840001000003108
013840001000002902	013840001000001208
013840001000002109	013840001000001100
013840001500001500	013840001000001707
013840001000003509	013840001000001002
013840001000002804	013840001000001805
013840001000002207	013840001000001903
013840001500001608	
013840001000003607	
013840001000002706	
013840001500001706	
013840001000002305	
013840001500001804	
013840001000003705	
013840001000002403	