

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENTS IN CONNECTION WITH A WATER MAIN EXTENSION FROM 699 S. EASY STREET TO AND INCLUDING 774 S. EASY STREET; 193 CHELLO AVENUE TO AND INCLUDING 209 CHELLO AVENUE; 100 BECKER AVENUE TO AND INCLUDING 109 BECKER AVENUE; 100 CHARLES AVENUE TO AND INCLUDING 108 CHARLES AVENUE; 738 HOLDEN AVENUE TO AND INCLUDING 786 HOLDEN AVENUE; AND 800 HOLDEN COURT TO AND INCLUDING 807 HOLDEN COURT, WITHIN THE SUBDIVISION OF COLLIER CREEK ESTATES, PHASES 1, 3, 4, 5 AND PORTIONS OF PHASES 2 AND 6, LOCATED WITHIN THE CITY OF SEBASTIAN, IN INDIAN RIVER COUNTY, FLORIDA; AND PROVIDING FOR SPECIAL ASSESSMENT LIENS TO BE MADE OF RECORD.**

WHEREAS, the Board of County Commissioners of Indian River County ("Board") has, by Resolution No. **2017-004** adopted on January 24, 2017, determined to make special assessments against certain properties to be specially benefited and serviced by a water main extension ("Assessment Project") from from 699 S. Easy Street to and including 774 S. Easy Street; 193 Chello Avenue to and including 209 Chello Avenue, 100 Becker Avenue to and including 109 Becker Avenue; 100 Charles Avenue to and including 108 Charles Avenue; 738 Holden Avenue to and including 786 Holden Avenue; and 800 Holden Court to and including 807 Holden Court, within the subdivision of Collier Creek Estates, Phases 1, 3, 4, 5 and portions of Phases 2 and 6, located within the City of Sebastian, in Indian River County, Florida ("the Assessment Area"); and

WHEREAS, Resolution No. **2017-004** described the method of assessing the cost of the Assessment Project against the specially benefited properties in the Assessment Area and how the special assessments imposed on the specially benefited properties in the Assessment Area are to be paid; and

WHEREAS, Resolution No. **2017-004** was published in the Indian River Press Journal on February 7, 2017, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2017-005**, adopted by the Board on January 24, 2017, set a time and place for a public hearing at which the owners of the specially benefited properties in the Assessment Area to be assessed for the Assessment Project and other interested persons would have the chance to be heard as to any and all complaints as to the Assessment Project and the special assessments imposed on the specially benefited properties in the Assessment Area, and for the Board to act as required by Section 206.07, Indian River County Code; and

WHEREAS, notice of the time and place of the public hearing was published in the Indian River Press Journal on February 28, 2017 and on March 7, 2017 (at least twice, one week apart; the last being at least one week prior to the hearing), as required by Section 206.06, Indian River County Code; and

WHEREAS, the land owners of record were mailed notices on January 25, 2017 (at least ten days prior to the hearing), as required by Section 206.06, Indian River County Code; and

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WHEREAS, the Board, on Tuesday, March 14, 2017, at 9:05 a.m. (or as soon thereafter as the public hearing was heard) conducted the public hearing with regard to the special assessments;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, as follows:

1. The foregoing recitals are affirmed and ratified in their entirety.
2. The special assessments imposed for the Assessment Project against the specially benefited properties in the Assessment Area shown on the assessment roll attached hereto as Exhibit "A" and incorporated herein by this reference are hereby confirmed and approved, and shall remain legal, valid, and binding first liens upon and against the specially benefited properties shown on attached Exhibit "A" until paid in full. The special assessments for the Assessment Project shall constitute a lien against the specially assessed property in the Assessment Area 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 special assessment lien shall be superior in dignity to all other liens, titles and claims, until paid. The special assessment lien shall be deemed perfected upon adoption by the Board of this Resolution and recordation of this Resolution in the Official Records of the County maintained by the Clerk of Indian River County. Such recordation shall constitute prima facie evidence of the validity of the special assessments imposed for the Assessment Project in the Assessment Area.
3. The special assessment imposed per parcel is in the amount of **\$6,250.00**, and shall be due and payable and may be paid in full without interest within 90 days after the date of the passage of the as-built resolution by the Board. The as-built resolution occurs after completion of the improvements. If not paid in full within the 90-day period from the passage of the as-built resolution, then the special assessment may be paid in ten equal yearly installments of principal plus interest; said interest rate to be determined by the Board when the improvements are completed.
4. The Board hereby finds and determines that the special assessments imposed in accordance with this Resolution and Resolution Nos. **2017-004** and **2017-005** provide an equitable method of funding the construction of the Assessment Project based upon the current uses, sizes, zoning and development potential of the parcels which are equally benefited by the provision of water, and thus the allocation of the assessment will be equal per parcel as described in Resolution No. **2017-004**. The Board hereby finds and determines that the properties assessed by this Resolution will receive special benefits equal to or greater than the cost of the special assessment.

The resolution was moved for adoption by Commissioner \_\_\_\_\_, and the motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

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Chairman Joseph E. Flescher	_____
Vice Chairman Peter D. O'Bryan	_____
Commissioner Susan Adams	_____
Commissioner Tim Zorc	_____
Commissioner Bob Solari	_____

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of March, 2017.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

By: \_\_\_\_\_  
Joseph E. Flescher, Chairman

By \_\_\_\_\_  
Deputy Clerk

Approved as to form and legal sufficiency: \_\_\_\_\_

By \_\_\_\_\_  
Dylan Reingold, County Attorney

Attachment: Exhibit "A" - Assessment Roll (to be recorded on Public Records)