

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENTS IN CONNECTION WITH A SEWER MAIN EXTENSION TO SERVE CERTAIN PROPERTIES LOCATED ALONG THE EAST SIDE OF U.S. HIGHWAY 1 BETWEEN 13230 AND 14410 U.S. HIGHWAY 1, AND INCLUDING 12920 AND 12950 U.S. HIGHWAY 1 WITHIN THE UNINCORPORATED BOUNDARY OF INDIAN RIVER COUNTY; AND CERTAIN PROPERTIES ALONG THE EAST SIDE OF U.S. HIGHWAY 1 WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF SEBASTIAN BETWEEN 13100 AND 1614 U.S. HIGHWAY 1, INCLUDING CERTAIN PROPERTIES ALONG JACKSON STREET, MADISON STREET, DAVIS STREET, N. CENTRAL AVENUE (SOUTH OF JACKSON STREET) AND INCLUDING 1637 AND 1727 N. INDIAN RIVER DRIVE (NORTH SEBASTIAN SEPTIC TO SEWER [S2S] PHASE 1 PROJECT); 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. **2017-063** adopted on June 20, 2017, determined to make special assessments against certain properties to be specially benefited and serviced by a sewer main extension ("Assessment Project") servicing certain properties located along the east side of U.S. Highway 1 between 13230 and 14410 U.S. Highway 1, and including 12920 and 12950 U.S. Highway 1 within the unincorporated boundary of Indian River County; and certain properties along the east side of U.S. Highway 1 within the municipal boundary of the City of Sebastian between 13100 and 1614 U.S. Highway 1, including certain properties along Jackson Street, Madison Street, Davis Street, N. Central Avenue (south of Jackson Street) and including 1637 and 1727 N. Indian River Drive ("the Assessment Area"); and

WHEREAS, Resolution No. **2017-063** 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. **2017-063** was published in the Indian River Press Journal on June 30, 2017, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2017-064**, adopted by the Board on June 20, 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 the propriety and advisability of making the improvements, if not already made, the cost thereof, the manner of payment therefor and the amount to be assessed against each property, and for the Board to act as required by Section 206.07, Indian River County Code; and

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WHEREAS, notice of the time and place of the public hearing was published in the Indian River Press Journal on July 4, 2017 and on July 11, 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 June 26, 2017 (at least ten days prior to the hearing), as required by Section 206.06, Indian River County Code; and

WHEREAS, the Board, on Tuesday, July 18, 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 shall be \$4,989.12 per each Equivalent Residential Unit (ERU) or a percentage of same in the case of condominiums where units share ERUs, 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 two percent (2%) interest per annum.
4. The Board hereby finds and determines that the special assessments imposed in accordance with this Resolution and Resolution Nos. **2017-063** and **2017-064** are based on the number of existing ERUs for developed property; and for vacant property, the number of ERUs conservatively calculated based on existing land use designation, zoning and size. The Board hereby finds and determines that the properties assessed by this Resolution will receive special

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benefits greater than the cost of the special assessment as the special assessment is 38.20% of the cost of the Assessment Project.

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:

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 July, 2017.

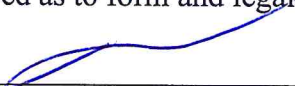
BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

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

By _____
Deputy Clerk

By: _____
Joseph E. Flescher, Chairman

Approved as to form and legal sufficiency:

By  _____
Dylan Reingold, County Attorney

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