

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENTS IN CONNECTION WITH A WATER MAIN EXTENSION ALONG 103RD COURT FROM 88TH STREET TO S. 89TH STREET WITHIN A PORTION OF BLOCKS E AND H, VERO LAKE ESTATES SUBDIVISION, UNIT H-3, LOCATED 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. **2018-010** adopted on January 9, 2018, determined to make special assessments against certain properties to be specially benefited and serviced by a water main extension ("Assessment Project") along 103rd Court from 88th Street to S. 89th Street within a portion of Blocks E and H, Vero Lake Estates Subdivision, Unit H-3, located in Indian River County, Florida ("the Assessment Area"); and

WHEREAS, Resolution No. **2018-010** 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. **2018-010** was published in the Indian River Press Journal on January 21, 2018, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2018-011**, adopted by the Board on January 9, 2018, 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

WHEREAS, notice of the time and place of the public hearing was published in the Indian River Press Journal on January 21, 2018 and on January 28, 2018 (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 9, 2018 (at least ten days prior to the hearing), as required by Section 206.06, Indian River County Code; and

WHEREAS, the Board, on Tuesday, February 6, 2018, at 9:05 a.m. opened the public hearing with regard to the special assessments and after hearing comments, continued the public hearing to Tuesday, February 20, 2018, at 9:05 a.m. (or as soon thereafter as the public hearing could begin);

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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 **\$5,200.00**, 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. **2018-010** and **2018-011** 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. **2018-010**. 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:

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

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The Chairman thereupon declared the resolution duly passed and adopted this ____ day of February, 2018.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

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

By _____
Deputy Clerk

By: _____
Peter D. O'Bryan, Chairman

Approved as to form and legal sufficiency:

By  _____
Dylan Reingold, County Attorney

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