

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 101 BARBARA COURT TO AND INCLUDING 108 BARBARA COURT; 101 AREGA STREET TO AND INCLUDING 110 AREGA STREET; 201 AREGA STREET TO AND INCLUDING 213 AREGA STREET; 200 HUNT COURT TO AND INCLUDING 204 HUNT COURT; AND 201 BANKS COURT TO AND INCLUDING 203 BANKS COURT, WITHIN PORTIONS OF PHASES TWO AND SIX OF THE SUBDIVISION OF COLLIER CREEK ESTATES (UTILITY PHASE 2); AND PROVIDING FOR A WATER MAIN EXTENSION FROM 100 HARBOR POINT DRIVE TO AND INCLUDING 117 HARBOR POINT DRIVE; AND 900 S. FLEMING STREET TO AND INCLUDING 907 S. FLEMING STREET WITHIN HARBOR POINT SUBDIVISION (UTILITY PHASE 3), 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. **2017-039** adopted on May 2, 2017, determined to make special assessments against certain properties to be specially benefited and serviced by a water main extension ("Assessment Project") from 101 Barbara Court to and including 108 Barbara Court; 101 Arega Street to and including 110 Arega Street; 201 Arega Street to and including 213 Arega Street; 200 Hunt Court to and including 204 Hunt Court; and 201 Banks Court to and including 203 Banks Court, within portions of Phases Two and Six of the subdivision of Collier Creek Estates (Utility Phase 2); and a water main extension from 100 Harbor Point Drive to and including 117 Harbor Point Drive; and 900 S. Fleming Street to and including 907 S. Fleming Street within Harbor Point Subdivision (Utility Phase 3), located within the City of Sebastian, in Indian River County, Florida ("the Assessment Area"); and

WHEREAS, Resolution No. **2017-039** 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. **2017-039** was published in the Indian River Press Journal on May 16, 2017, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2017-040**, adopted by the Board on May 2, 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 May 30, 2017 and on June 6, 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 May 3, 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, June 13, 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. **2017-039** and **2017-040** 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. **2017-039**. 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.

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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 June, 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)