

## RESOLUTION 2022-\_\_\_\_\_

**A RESOLUTION OF INDIAN RIVER COUNTY, FLORIDA, (THE "COUNTY") PERMITTING THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY ("C-PACE") PROGRAM WITHIN THE COUNTY FOR SPECIFIC PROPERTY REFERENCED BY 5380 US HIGHWAY 1, CERTUS AT VERO BEACH; APPROVING AN AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY; AUTHORIZING THE CHAIR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.08, Florida Statutes (the "Supplemental Act"), authorizes counties, municipalities and certain separate local government entities to establish and administer financing programs (sometimes referred to as "PACE" or "PACE financing") pursuant to which owners of real property may obtain funding for energy conservation and efficiency, renewable energy and wind resistance improvements (as referred to therein, the "Qualifying Improvements"), and repay such funding through voluntary special assessments, sometimes referred to as non-ad valorem assessments ("Special Assessments"), levied upon the improved property pursuant to financing agreements between the property owner thereof and a local government (the "Financing Agreements"); and

**WHEREAS**, the Florida Green Finance Authority (the "Authority"), a legal entity and unit of local government within the State of Florida, which was established by a separate interlocal agreement for the express purpose of providing a scalable platform to facilitate the financing of Qualifying Improvements throughout Florida; and

**WHEREAS**, pursuant to the Supplemental Act or as otherwise provided by law, local governments may enter into agreements with other local governments for the purpose of providing and financing Qualifying Improvements; and

**WHEREAS**, the County has expressed its desire to authorize C-PACE financing to the commercial properties located at 5380 US Highway 1, Vero Beach, FL 32967; Parcel Number 32391400005000000005.0; and

**WHEREAS**, the installation of Qualifying Improvements to commercial properties may increase energy efficiency and improve the wind resistance of existing structures within the County, thereby increasing resiliency against inclement weather events and contributing to the local economy by cost savings to property owners, enhancing property values and increasing job opportunities; and

**WHEREAS**, existing financing options may be insufficient for commercial property owners to access cost-effective financing for energy-saving or wind-resistance property improvements due to requirements associated with traditional debt or equity financing options; and

**WHEREAS**, the Authority has created a solution for the financing, levy and collection process to implement a Commercial-Only Property Assessed Clean Energy program, without cost to or assumption of liability by, or demand upon the credit of the County; and

**WHEREAS**, the County recognizes that initiation of its own program requires a commitment of significant time, staffing and monetary resources derived from all taxpayers. However, as an alternative or supplement to any other program or approach chosen by the County, the County can concurrently authorize and approve a non-exclusive arrangement with the Authority to make funding for Qualified Improvements immediately available to support commercial property owners,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Indian River County:

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The forgoing recitals are incorporated in this Resolution as if fully set forth herein and are approved and adopted. The Board of County Commissioners has complied with all requirements and procedures of Florida law in processing and noticing this Resolution.

**SECTION 2. FINANCING OF PROJECT AUTHORIZED.** The County Commission hereby authorizes the PACE financing of commercial property, located within the legal limits of County boundaries, specifically referenced at 5380 US Highway 1, Vero Beach, FL 32967; Parcel Number 32391400005000000005.0.

### **SECTION 3. LENDER NOTIFICATION AND CONSENT**

(1) Notification. At least thirty (30) days before entering into a C-PACE Financing Agreement, the Florida Green Finance Authority shall verify that the Eligible Participant has provided written notice for the specific property located at 5380 US Highway 1, Certus at Vero Beach of the intent to enter into a C-PACE Financing Agreement to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the Commercial Property. With Certus at Vero Beach's approval, the Florida Green Finance Authority may provide this notification on behalf of an Eligible Participant. The notice must comply with and, at a minimum, satisfy the requirements of the PACE Act including, but not limited to, the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice must be provided to and maintained by the Florida Green Finance Authority Government.

(2) Consent. Prior to entering into a C-PACE Financing Agreement with Certus at Vero Beach, the Florida Green Finance Authority shall verify that holders or loan servicers of any mortgage or lien encumbering or otherwise secured by the property have signed written consents consenting to the C-PACE Assessment considered for the Certus at Vero Beach property pursuant to the C-PACE Financing Agreement. A verified copy or other proof of such consent must be provided to and maintained by the Florida Green Finance Authority.

**SECTION 4. APPROVAL OF AGREEMENT; AUTHORIZATION TO EXECUTE.** The Board of County Commissioners approves the Florida Green Finance Authority Interlocal Agreement attached hereto and incorporated herein as Exhibit "A" and authorizes the Chair to execute the aforementioned C-PACE agreement.

**SECTION 5. SCRIVENERS ERRORS.** Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the County Attorney, may be corrected.

**SECTION 6. CONFLICTS.** All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 7. SEVERABILITY.** If any section, sentence, clause or phrase of this resolution is held to be invalid or unconstitutional by any court of competent

jurisdiction, then said holding shall in no way affect the validity of the remaining portion of the resolution.

**SECTION 8. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners of Indian River County.

This 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 Joseph H. Earman	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of September, 2022.

**BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_  
Peter D. O'Bryan, Chairman

Approved by BCC: \_\_\_\_\_

**ATTEST:** Jeffrey R. Smith, Clerk of  
Courts and Comptroller

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

Approved as to form and  
legal sufficiency:

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

Approved:

By: \_\_\_\_\_  
Jason E. Brown, County Administrator

## **EXHIBIT "A"**

### Limited Purpose Party Membership Agreement To The Florida Green Finance Authority

**WHEREAS**, Section 163.01, F.S., the “Florida Interlocal Cooperation Act of 1969,” authorizes local government units to enter into interlocal agreements for their mutual benefit; and

**WHEREAS**, the Town of Lantana, Florida, a Florida municipal corporation (“Lantana”) and the Town of Mangonia Park, Florida, a Florida municipal corporation, (“Mangonia Park”) entered into an Interlocal Agreement, dated June 11, 2012, first amended on August 11, 2014 and second amended on April 7, 2016 with document execution May 9, 2016, establishing the Florida Green Finance Authority as a means of implementing and financing a qualifying improvements program for energy and water conservation and efficiency, renewable energy and wind-resistance improvements, and to provide additional services consistent with law; and

**WHEREAS**, Indian River County desires to become a member of the Florida Green Finance Authority in order to facilitate the financing of qualifying improvements for properties located within the Charlotte County.

**NOW, THEREFORE**, it is agreed as follows:

1. The Interlocal Agreement between the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park, entered into on June 11, 2012 and as amended on August 11, 2014 and April 7, 2016 with document execution May 9, 2016 (the “Interlocal Agreement”), for the purpose of facilitating the financing of qualifying improvements for properties located within the Authority’s jurisdiction via the levy and collection of voluntary non-ad valorem assessments on improved property, is hereby supplemented and amended on the date last signed below by this Party Membership Agreement, which is hereby fully incorporated into the Interlocal Agreement, to include Indian River County.
2. The Florida Green Finance Authority, together with its member Parties, and the Indian River County, with the intent to be bound thereto, hereby agree that the Indian River County shall become a Party to the Interlocal Agreement together with all of the rights and obligations of Parties to the Interlocal Agreement.
3. The Service Area of the Florida Green Finance Authority shall include the legal boundaries of the Indian River County, as the same may be more specifically designated by the Indian River County or amended from time to time.
4. Indian River County designates the following as the respective place for any notices to be given pursuant to the Interlocal Agreement Section 27:

Indian River County: Attn: County Administrator  
County Administrator's Office  
1801 27th Street  
Vero Beach, FL. 32960-3365

With a copy to: County Attorney  
1801 27th Street  
Vero Beach, FL. 32960-3365

5. This Party Membership Agreement shall be recorded by the Authority with the Clerk of the Court in the Public Records of Palm Beach County as an amendment to the Interlocal Agreement and recorded in the public records of Indian River County, in accordance with Section 163.01(11), Florida Statutes.

6. Termination of this Agreement may occur with 30 days' written notice, and at the end of the 30-day period, this Agreement shall be automatically terminated and the Authority will not accept any new applications. Any projects related to applications received before the end of the 30-day period shall be permitted to be completed.

7. All capitalized terms used but not defined herein shall have the respective meanings prescribed to them in the Interlocal Agreement. If there is a conflict between the terms of this Party Membership Agreement and the Interlocal Agreement, the terms of this Party Membership Agreement shall govern.

**IN WITNESS WHEREOF**, the Parties hereto subscribe their names to this Interlocal Agreement by their duly authorized officers.

**ATTEST:** The Florida Green Finance Authority, a separate legal entity established pursuant to Section 163.01(7), Florida Statutes

By: \_\_\_\_\_

Secretary of the Authority

Approved by Authority Attorney  
as to form and legal sufficiency  
Authority Attorney

**BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_

Peter D. O'Bryan, Chairman

Approved by BCC: \_\_\_\_\_

**ATTEST:** Jeffrey R. Smith, Clerk of  
Courts and Comptroller

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

Approved as to form and  
legal sufficiency:

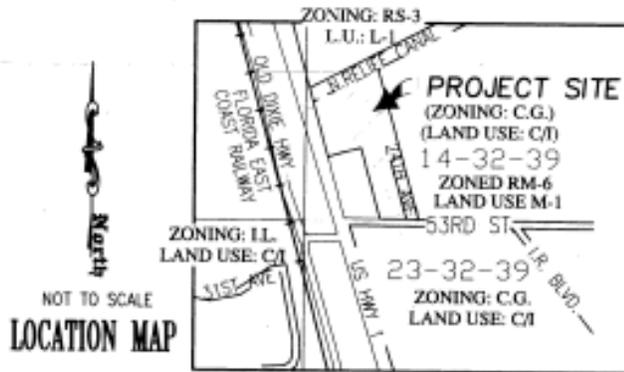
By: \_\_\_\_\_  
Dylan Reingold  
County Attorney

Approved:

By: \_\_\_\_\_  
Jason E. Brown  
County Administrator

**EXHIBIT B**

**Legal Description & Map**



## LEGAL DESCRIPTION

BEING A PORTION OF PARCEL 'A', LOT 3, AND TRACT 1 OF THE LANDINGS, A COMMERCIAL SUBDIVISION AS RECORDED IN PLAT BOOK 24, PAGE 38, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 32 SOUTH, RANGE 39 EAST, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT'S NORTH RELIEF CANAL, EAST OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 / STATE ROAD NO. 5, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 53RD STREET / KINGSBERRY ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 32 SOUTH, RANGE 39 EAST, RUN NORTH  $00^{\circ}49'12''$  EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 60.00 FEET TO THE OLD NORTH RIGHT-OF-WAY LINE OF 53RD STREET (KINGSBERRY ROAD), AS INDICATED IN OFFICIAL RECORDS BOOK 774, PAGE 69 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THREE COURSES ALONG SAID OLD NORTH RIGHT-OF-WAY LINE OF 53RD STREET / KINGSBERRY ROAD:

NORTH  $89^{\circ}56'56''$  WEST, A DISTANCE OF 894.65 FEET;

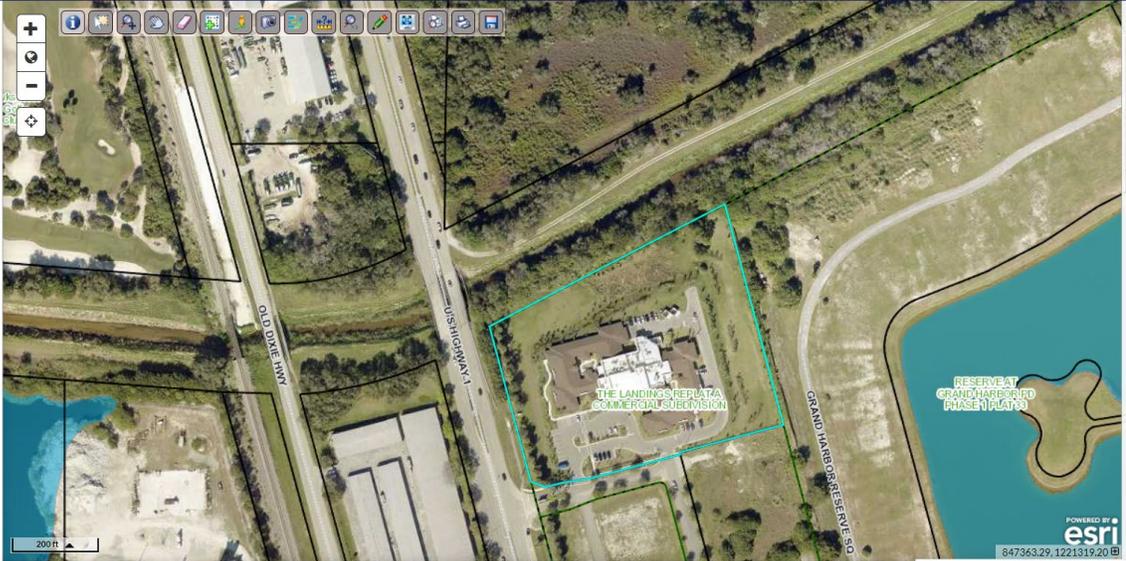
NORTH  $00^{\circ}49'12''$  EAST, A DISTANCE OF 10.00 FEET;

NORTH  $89^{\circ}56'56''$  WEST, A DISTANCE OF 803.80 FEET TO A POINT ON CURVE; THENCE RUN NORTHWESTERLY ALONG THE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 16528.86 FEET, A CENTRAL ANGLE OF  $00^{\circ}10'50''$ , SUBTENDED BY A CHORD BEARING OF NORTH  $16^{\circ}10'16''$  WEST, A CHORD DISTANCE OF 52.08 FEET AND AN ARC LENGTH OF 52.08 FEET TO THE PRESENT NORTH RIGHT OF WAY LINE OF AFORESAID 53RD STREET / KINGSBERRY ROAD AND POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN NORTH  $89^{\circ}56'56''$  WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF 53RD STREET / KINGSBERRY ROAD, SAID RIGHT OF WAY LINE BEING 120.00 FEET NORTH OF, NORMAL TO AND PARALLEL WITH THE SOUTH LINE OF AFORESAID SECTION 14, A DISTANCE OF 333.40 FEET; THENCE RUN NORTH  $21^{\circ}49'28''$  EAST ALONG THE EASTERLY BOUNDARY LINE OF LOT 1 OF THE LANDINGS, A COMMERCIAL SUBDIVISION AS RECORDED IN PLAT BOOK 24, PAGE 38 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, A DISTANCE OF 48.46 FEET; THENCE RUN NORTH  $14^{\circ}54'38''$  WEST ALONG SAID EASTERLY BOUNDARY LINE OF LOT 1 AND LOT 2, ALSO BEING THE WESTERLY BOUNDARY LINE OF TRACT 1 OF SAID PLAT OF THE LANDINGS, A COMMERCIAL SUBDIVISION, A DISTANCE OF 506.34 FEET TO A POINT OF CURVATURE; THENCE RUN WESTERLY ALONG THE CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , SUBTENDED BY A CHORD BEARING OF NORTH  $59^{\circ}54'38''$  WEST, CHORD DISTANCE OF 21.21 FEET AND AN ARC LENGTH OF 23.56 FEET TO THE POINT OF TANGENCY; THENCE RUN SOUTH  $75^{\circ}05'22''$  WEST ALONG THE NORTHERLY BOUNDARY LINE OF AFORESAID LOT 2, ALSO BEING THE SOUTH LINE OF SAID TRACT 1, A DISTANCE OF 143.09 FEET; THENCE RUN SOUTH  $68^{\circ}53'19''$  WEST ALONG SAID NORTHERLY BOUNDARY LINE OF LOT 2, A DISTANCE OF 64.81 FEET; THENCE RUN SOUTH  $75^{\circ}05'22''$  WEST ALONG SAID NORTHERLY BOUNDARY LINE OF LOT 2, A DISTANCE OF 67.81 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 / STATE ROAD NO. 5 ACCORDING TO ROAD RIGHT OF WAY CONVEYED TO THE STATE OF FLORIDA AS INDICATED IN OFFICIAL RECORDS BOOK 2284, PAGE 1795, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN NORTH  $14^{\circ}54'38''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, ALSO BEING THE WESTERLY BOUNDARY OF AFORESAID THE LANDINGS, A COMMERCIAL SUBDIVISION, A DISTANCE OF 443.72 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF THE LANDINGS, A COMMERCIAL SUBDIVISION AND THE SOUTH RIGHT OF WAY LINE OF THE NORTH RELIEF CANAL, 250.00 FEET WIDE INDIAN RIVER FARMS WATER CONTROL DISTRICT RIGHT OF WAY; THENCE RUN NORTH  $62^{\circ}34'20''$  EAST ALONG SAID SOUTH RIGHT OF WAY LINE, ALSO BEING THE NORTHERLY BOUNDARY LINE OF SAID PLAT OF THE LANDINGS, A COMMERCIAL SUBDIVISION, A DISTANCE OF 594.12 FEET TO THE NORTHEAST CORNER OF SAID PLAT OF THE LANDINGS, A COMMERCIAL SUBDIVISION; THENCE RUN SOUTH  $14^{\circ}54'38''$  EAST ALONG THE EASTERLY BOUNDARY LINE OF SAID PLAT OF THE LANDINGS, A COMMERCIAL SUBDIVISION, A DISTANCE OF 874.14 FEET TO THE POINT OF CURVATURE; THENCE CONTINUE ALONG SAID EASTERLY BOUNDARY LINE AND CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 16528.86 FEET, A CENTRAL ANGLE OF  $01^{\circ}10'13''$ , SUBTENDED BY A CHORD BEARING OF SOUTH  $15^{\circ}29'45''$  EAST, A CHORD DISTANCE OF 337.61 FEET AND AN ARC LENGTH OF 337.61 FEET TO THE AFORESAID PRESENT NORTHERLY RIGHT OF WAY LINE OF 53RD STREET / KINGSBERRY ROAD AND POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA AND CONTAINING 468, 165.70 OR 10.75 ACRES.

- Layer List Legend
- Quick Links:
- Property Search
  - View Map
- Layers:
- Dimensions
  - Parcels
  - Parcel Numbers
  - Street Centerlines
  - USA Major Highways
  - Lots and Units
  - Govt Lot Label
  - Govt Lot Lines
  - Subdivisions
  - Municipal Boundaries
  - Schools and Government Facilities
  - Sections
  - Townships
  - Water
  - Coastal Construction Control Lines (CCCL)
  - Flood Zones
  - County Outlines
  - Yearly Sales
  - Aerial Imagery
  - TPP Search
  - Restore Layer Defaults



Results:

Parcel ID - 32391400005000000005.0  
 Prop ID - 135965  
 Address - 5380 U S HIGHWAY 1  
 Owner - CERTUS VRO OWNER LLC  
 Acres - 5.97  
[Plat Book Link](#)  
[View Report | Pictometry Imagery | Google Maps](#)

Parcel ID	32391400005000000005.0	Prop ID	135965	Owner Address	CERTUS VRO OWNER LLC
Sec/Twp/Rng	14-32-39	Class	7400 - Homes for the Aged		1969 S ALAFAYA TRAIL #377
Property Address	5380 U S HIGHWAY 1 VERO BEACH	Acraage	5.97		ORLANDO, FL 32828
District	7- COUNTY- NO SEBASTIAN INLET				
Brief Tax Description	THE LANDINGS REPLATA COMMERCIAL SUBDIVISION LOT 5 PBI 31 - 23 (Note: Not to be used on legal documents)				

**IRC PACE Resolution**  
 NOW

Dismiss