

## RESOLUTION NO. 2025-\_\_\_\_\_

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CONFIRMING THE SPECIAL ASSESSMENTS IN CONNECTION WITH THE REPLACEMENT OF CULVERT PIPING IN WATERS EDGE PHASE II SUBDIVISION 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. **2024-064**, determined to make special assessments against certain properties to be specially benefited by replacement of culvert piping (“Assessment Project”) to Waters Edge Phase II Subdivision in Indian River County, Florida; and

WHEREAS, Resolution No. **2024-064** 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. **2024-064** was published in the Vero Beach Press Journal, as required by Section 206.04, Indian River County Code; and

WHEREAS, Resolution No. **2025-\_\_\_**, adopted by the Board, 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, and other interested persons, can be heard as to the advisability and cost of the Assessment Project and for the Board to act as the equalizing board 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 Press Journal Newspaper on Tuesday, March 25, 2025, and on Tuesday April 1, 2025 (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 at least ten days prior to the hearing, as required by Section 206.06, Indian River County Code; and

WHEREAS, the Board, on Tuesday, April 8, 2025, 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 against the specially benefited properties shown on attached Exhibit “A” until paid in full. The special assessments for the Assessment Project shall constitute

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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 Board hereby finds and determines that the special assessments imposed in accordance with this Resolution and Resolution No. **2024-064** provide an equitable method of funding the construction of the Assessment Project by fairly and reasonably allocating the cost to specially benefited property, based upon the square footage attributable to each parcel of property in the manner described in Resolution No. **2024-064**. 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 Joseph E. Flescher	_____
Vice Chairman Deryl Loar	_____
Commissioner Joe Earman	_____
Commissioner Susan Adams	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the resolution duly passed and adopted this \_\_\_<sup>th</sup> day of April, 2025.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

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

BCC approved: \_\_\_\_\_

ATTEST: Ryan L. Butler, Clerk of Circuit Court and Comptroller

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

Approved as to form  
and legal sufficiency:

By: \_\_\_\_\_  
Christopher A. Hicks  
Assistant County Attorney

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

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