

**RESOLUTION NO. 96-187**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED VOGEL ROAD MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT, THE GRADING AND MAINTENANCE SERVICE TO BE PROVIDED AND ANY NECESSARY ROAD IMPROVEMENTS; ESTIMATING THE GRADING AND MAINTENANCE COST AND THE ROAD IMPROVEMENT CAPITAL COST; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITTED BY THE PROVISION OF ROAD GRADING AND MAINTENANCE SERVICE AND THE CONSTRUCTION OF ROAD IMPROVEMENTS DEEMED NECESSARY TO PROVIDE SUCH ROAD GRADING AND MAINTENANCE SERVICE; ESTABLISHING THE METHOD OF ASSESSING THE GRADING AND MAINTENANCE COST AND ROAD IMPROVEMENT CAPITAL COST AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ROAD ASSESSMENTS; DIRECTING THE ASSESSMENT COORDINATOR TO PREPARE A TENTATIVE ROAD ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ROAD ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:**

## ARTICLE I

### DEFINITIONS AND CONSTRUCTION

**SECTION 1.01. DEFINITIONS.** As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

**"Adjusted Prepayment Amount"** means (A) the amount required to prepay the Road Improvement Assessment for each Tax Parcel located in the Road Maintenance MSBU (1) following issuance of the Original Obligations, as computed pursuant Section 4.01(B) hereof and revised annually pursuant to Section 4.02(I) hereof, and (2) following issuance of any Refunding Obligations, as computed pursuant Section 4.01(C) hereof and revised annually pursuant to Section 4.02(I) hereof; and (B) the comparable prepayment amounts computed and revised for each Tax Parcel against which a special assessment has been imposed to finance other Road Improvements, if any, funded from proceeds of the Obligations.

**"Annual Debt Service Component"** means the amount computed for each Tax Parcel pursuant to Section 4.02(F) hereof.

**"Assessment Coordinator"** means the person appointed to administer Road Assessments imposed pursuant to the Ordinance, or such person's designee.

**"Board"** means the Board of County Commissioners of St. Johns County, Florida.

**"Collection Cost"** means the estimated cost to be incurred by the County during any Fiscal Year in connection with the collection of Road Assessments.

**"Collection Cost Component"** means the amount computed for each Tax Parcel

pursuant to Section 4.02(G) hereof.

**"County"** means St. Johns County, a political subdivision of the State of Florida.

**"Debt Service Amount"** means the amount computed pursuant to Section 4.02(B) hereof.

**"Debt Service Factor"** means the factor computed pursuant to Section 4.02(E) hereof

**"Essential Services"** means those services provided by the County or any other public entity that are necessary to preserve and maintain the public health, safety, and welfare and which require safe, convenient, and efficient property access to be effective. "Essential Services" include, by way of example and not limitation, fire protection, emergency medical services, solid waste collection, law enforcement, postal delivery, and the transportation of students by the school board.

**"Final Road Assessment Resolution"** means the resolution described in Section 3.06 of the Ordinance that imposes Road Assessments within the Road Maintenance MSBU.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

**"Grading and Maintenance Cost"** means all or any portion of the expenses that are properly attributable to the Grading and Maintenance Service under generally accepted accounting principles, including, without limiting the generality of the foregoing,

reimbursement to the County for any funds advanced for the Grading and Maintenance Service, and interest on any interfund or intrafund loan for such purpose.

**"Grading and Maintenance Service"** means a road grading and maintenance program designed to provide the minimum level of service necessary to preserve adequate ingress and egress for the provision of Essential Services, as described in Section 3.01 hereof.

**"Initial Prepayment Amount"** means the amount computed pursuant Section 4.01(A) hereof for each Tax Parcel located in the Road Maintenance MSBU to prepay the Road Improvement Assessment prior to issuance of the Original Obligations.

**"Modified Debt Service Amount"** means the amount computed pursuant to Section 4.02(D) hereof.

**"Obligations"** means Original Obligations or Refunding Obligations.

**"Ordinance"** means Ordinance No. 96- 53 .

**"Original Obligations"** means a series of bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligations of the County issued or incurred to finance any portion of the Road Improvement Capital Cost and secured, in whole or in part, by proceeds of the Road Improvement Assessments.

**"Parcel of Record"** means an unplatted parcel of record on which a residential dwelling unit can be sited or constructed.

**"Platted Lot"** means a building lot within a subdivision platted in accordance with Chapter 177, Florida Statutes, on which a residential dwelling unit can be sited or constructed.

**"Prepayment Modification Factor"** means the factor computed pursuant to Section 4.02(C) hereof.

**"Proforma Debt Service"** means the amount computed pursuant to Section 4.02(A) hereof.

**"Property Appraiser"** means the St. Johns County Property Appraiser.

**"Refunding Obligations"** means a series of bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligations of the County issued or incurred to refund all or any portion of the Original Obligations or any indebtedness issued to refinance the Original Obligations.

**"Residential Unit"** shall be the Assessment Unit (as defined in the Ordinance) for the Road Maintenance MSBU described in Section 2.01 hereof, and means a residential dwelling unit or a parcel of property on which a residential dwelling unit can be sited or constructed. The number of "Residential Units" attributable to each Tax Parcel shall be determined in accordance with Section 2.03 hereof.

**"Road Assessment"** means a Road Maintenance Assessment and, if applicable, a Road Improvement Assessment.

**"Road Assessment Roll"** means the special assessment roll relating to Grading and Maintenance Service and any necessary Road Improvements.

**"Road Improvement"** means any capital project deemed necessary by Board to provide efficient and cost effective Grading and Maintenance Service, including by way of example, and not limitation, sub-base stabilization and drainage improvements.

**"Road Improvement Assessment"** means a special assessment imposed by the County pursuant to the Ordinance to fund the Road Improvement Project Cost.

**"Road Improvement Capital Cost"** means all or any portion of the expenses that are properly attributable to the design and construction of any Road Improvement under generally accepted accounting principles; and including reimbursement to the County for any funds advanced for Road Improvements, program development costs, and interest on any interfund or intrafund loan for such purposes.

**"Road Improvement Project Cost"** means (A) the Road Improvement Capital Cost, (B) the Transaction Cost associated with the Obligations attributable to the Road Improvements, (C) interest accruing on such Obligations for such period of time as the County deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations attributable to the Road Improvements, and (E) any other costs or expenses related thereto.

**"Road Maintenance Assessment"** means a special assessment imposed by the County pursuant to the Ordinance to fund the Grading and Maintenance Cost.

**"Road Maintenance MSBU"** means the Vogel Road Maintenance Municipal Service Benefit Unit described in Section 2.01 hereof.

**"Statutory Discount Amount"** means the amount computed for each Tax Parcel pursuant to Section 4.02(H) hereof.

**"Tax Parcel"** means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Tax Roll"** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Transaction Cost"** means the costs, fees and expenses incurred by the County in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel; (C) the underwriters' discount; (D) the fees and disbursements of the County's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (G) any other costs of a similar nature incurred in connection with issuance of such Obligations.

**"Uniform Assessment Collection Act"** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**SECTION 1.03. FINDINGS.** It is hereby ascertained, determined and declared

that:

(A) The Ordinance authorizes the construction of Road Improvements deemed necessary to provide efficient and cost effective Grading and Maintenance Service. The Board has determined that the Road Improvements described herein are necessary for such purposes. Such Road Improvements include initial capital improvement activities such as road sub-base stabilization, culvert replacement and installation, and appurtenant ditch clearing.

(B) The Board has enacted the Ordinance to authorize the creation of municipal service benefit units to encompass areas in which Grading and Maintenance Services are necessary to provide access for Essential Services. The property located within the proposed Vogel Road Maintenance MSBU lacks adequate access for Essential Services and requires the Grading and Maintenance Service. Such Grading and Maintenance Services periodically requires additional sub-base materials and period grading and appurtenant right-of-way drainage maintenance.

(C) The proposed Vogel Road Maintenance MSBU has been identified by the Board pursuant to Section 2.02 of the Ordinance. Based upon the Assessment Coordinator's report the Board has determined that creation of the Vogel Road Maintenance MSBU may be the best method of establishing and preserving adequate ingress and egress for the provision of Essential Services

(D) The Road Assessments described in this Resolution will provide the minimum level of Grading and Maintenance Service, and related Road Improvements, to establish and preserve adequate ingress and egress for the provision of Essential Services. The use



and enjoyment of property located within the Road Maintenance MSBU will be enhanced by the provision of Grading and Maintenance Service and construction of the Road Improvements.

(E) The Road Assessments will only be imposed after the affected owners are provided a thirty day period within which to voluntarily cause any identified private road to be sufficiently repaired and graded so as to safely, conveniently, and efficiently allow for the provision of Essential Services. Failure of voluntary compliance within such period constitutes a necessary public purpose for the Board to impose the Road Assessments in order to safely and efficiently provide access for the delivery of Essential Services to the benefitted lands and their affected owners, residents, and invitees.

(F) The Road Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Grading and Maintenance Service, and related Road Improvements, by fairly and reasonably allocating the cost to specially benefitted property, based upon the number of Residential Units attributable to each parcel or classification of property in the manner hereinafter described.

## ARTICLE II

### ROAD ASSESSMENTS

**SECTION 2.01. DESCRIPTION OF ROAD MAINTENANCE MSBU.** The proposed Vogel Road Maintenance MSBU shall include the property located within the boundaries of Mill Creek (unrecorded subdivision) and Section 9, Township 7S, Range 28E and includes all Parcels of Record and Platted Lots facing or abutting Vogel Road as shown on Appendix C attached hereto. The Road Maintenance MSBU is proposed for the purpose of improving access for Essential Services by providing Grading and Maintenance Service and constructing Road Improvements necessary to provide efficient and cost effective Grading and Maintenance Service.

**SECTION 2.02. IMPOSITION OF ROAD ASSESSMENTS.** Road Maintenance Assessments shall be imposed for each Fiscal Year in which Grading and Maintenance Service is provided within the Road Maintenance MSBU, the amount of which shall be computed in accordance with Section 3.02 hereof. Road Improvement Assessments shall be imposed against property located within the Road Maintenance MSBU for each Fiscal Year in which Obligations remain outstanding, the amount of which shall be computed in accordance with Section 4.02 hereof. When imposed, the Road Assessment for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the Road Maintenance MSBU, pursuant to the Ordinance.

**SECTION 2.03. RESIDENTIAL UNITS.**

(A) It is hereby found and determined that the use of roads for which the Grading and Maintenance Service is provided and Road Improvements are constructed is reasonably related to the number of residential dwelling units that have or can be sited or constructed on each Tax Parcel.

(B) The number of Residential Units attributable to each Tax Parcel within the Road Maintenance MSBU shall be equal to the number of Platted Lots and Parcels of Record encompassed by such Tax Parcel; provided however, that if more than one dwelling unit has been sited or constructed on a single Platted Lot or Parcel of Record, the number of Residential Units attributable to the Tax Parcel shall be increased for each additional residential dwelling unit.

**SECTION 2.04. ESTIMATED COST.** The estimated annual Grading and Maintenance Cost is \$959.97 and the estimated Road Improvement Capital Cost is \$20,233.12. The Grading and Maintenance Cost will be funded through the imposition of Road Maintenance Assessments against property located in the Road Maintenance MSBU in the manner set forth in Article III hereof. The Road Improvement Project Cost will be funded through the imposition of Road Improvement Assessments against property located in the Road Maintenance MSBU in the manner set forth in Article IV hereof.

**SECTION 2.05. ROAD ASSESSMENT ROLL.** The Assessment Coordinator is hereby directed to prepare final estimates of the Grading and Maintenance Cost and the Road Improvement Capital Cost and to prepare the preliminary Road Assessment Roll in the manner provided in the Ordinance. The Assessment Coordinator shall apportion the

Grading and Maintenance Cost and the Road Improvement Project Cost among the Tax Parcels within the Road Maintenance MSBU as reflected on the Tax Roll, in the manner described herein. The estimates of Grading and Maintenance Cost and the Road Improvement Capital Cost shall be maintained on file in the offices of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Road Assessment Roll be in printed form if the amount of the Road Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

**SECTION 2.06. PUBLIC HEARING.** A public hearing will be conducted by the Board at 5:30 p.m. on November 12, 1996, in the County Commission Chambers of the St. Johns County Administration Building at 4020 Lewis Speedway, St. Augustine, Florida, to consider imposition of the Road Assessments and their collection pursuant to the Uniform Assessment Collection Act.

**SECTION 2.07. NOTICE BY PUBLICATION.** Upon completion of the materials required by Section 2.05 hereof, the Assessment Coordinator shall publish a notice of the public hearing authorized by Section 2.06 hereof in the manner and the time provided in Section 3.04 of the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix A.

**SECTION 2.08. NOTICE BY MAIL.** Upon completion of the materials required by Section 2.05 hereof, the Assessment Coordinator shall, at the time and in the manner specified in Section 3.05 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 2.06 hereof to each property owner proposed to be assessed

at the address indicated on the Tax Roll on the thirtieth calendar day prior to the date of mailing. Such notice shall be in substantially the form attached hereto as Appendix B.

## ARTICLE III

### ROAD MAINTENANCE ASSESSMENTS

**SECTION 3.01. GRADING AND MAINTENANCE SERVICE.** The Grading and Maintenance Service to be provided is based upon grading the affected roads four times during the year, together with appurtenant annual ditch maintenance. The annual Grading and Maintenance Service may vary due to unexpected environmental conditions.

**SECTION 3.02. COMPUTATION.** Road Maintenance Assessments will be imposed for each Fiscal Year in which Grading and Maintenance Service is provided within the Road Maintenance MSBU. The Road Maintenance Assessment for each Tax Parcel shall be computed by (1) dividing (a) the number of Residential Units attributable to such Tax Parcel by (b) the total number of Residential Units attributable to Tax Parcels within the Road Maintenance MSBU, and (2) multiplying the result by the estimated Grading and Maintenance Cost, including any amount previously advanced by the County for Grading and Maintenance Cost that has not been repaid from proceeds of the Grading and Maintenance Assessments.

## ARTICLE IV

### ROAD IMPROVEMENT ASSESSMENTS

#### SECTION 4.01. PREPAYMENT AMOUNTS.

(A) An Initial Prepayment Amount for each Tax Parcel located within the Road Maintenance MSBU shall be computed by (1) dividing (a) the number of Residential Units attributable to such Tax Parcel by (b) the total number of Residential Units attributable to Tax Parcels within the Road Maintenance MSBU, and (2) multiplying the result by the estimated Road Improvement Capital Cost.

(B) Following issuance of the Original Obligations, an Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Road Improvement Assessment has been prepaid prior to issuance of the Original Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Initial Prepayment Amount established herein for such Tax Parcel by (b) the sum of (i) the aggregate Initial Prepayment Amounts for all Tax Parcels within the Road Maintenance MSBU and (ii) the aggregate comparable prepayment amounts computed for all Tax Parcels against which a special assessment has been imposed to finance other Road Improvements funded from proceeds of the Original Obligations, in each case excluding those Tax Parcels as to which the Road Improvement Assessment has been prepaid prior to issuance of the Original Obligations, by (2) the principal amount of the Original Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.02(I) hereof.

(C) Following issuance of any Refunding Obligations, a new Adjusted Prepayment Amount for each Tax Parcel, other than those Tax Parcels as to which the Road Improvement Assessment has been prepaid prior to issuance of such Refunding Obligations, shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of (i) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the Road Maintenance MSBU and (ii) the aggregate comparable prepayment amounts computed for all Tax Parcels against which a special assessment has been imposed to finance other Road Improvements funded from proceeds of the Obligations being refunded, in each case excluding those Tax Parcels as to which the Road Improvement Assessment has been prepaid prior to issuance of such Refunding Obligations, by (2) the principal amount of such Refunding Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 4.02(l) hereof.

**SECTION 4.02. COMPUTATION.** Road Improvement Assessments will be imposed for each Fiscal Year in which Obligations remain outstanding. The annual Road Improvement Assessment shall be computed for each Tax Parcel in the manner set forth in this Section 4.02.

(A) PROFORMA DEBT SERVICE. "Proforma Debt Service" shall be computed for each Fiscal Year as follows:

- (1) The Assessment Coordinator shall direct the preparation of a proforma schedule of Obligations utilizing the following assumptions:



(a) the principal amount of the proforma Obligations is sufficient to fund the Road Improvement Project Cost, which is estimated to be \$23,427.82;

(b) the principal of such proforma Obligations is amortized in substantially equal annual payments over a period of 10 Fiscal Years; and

(c) the proforma Obligations bear interest at the rate of 7.5 percent per annum.

(2) The debt service for each Fiscal Year set forth in the proforma schedule of Obligations, excluding interest to be funded from proceeds of the Obligations, shall constitute the "Proforma Debt Service" for such Fiscal Year; provided however, that at the Board's option any principal or interest scheduled for payment between October 1 and November 1 (both dates inclusive) may be deemed payable in the immediate prior Fiscal Year.

(B) DEBT SERVICE AMOUNT. A "Debt Service Amount" for each Fiscal Year shall be the sum of (1) the Proforma Debt Service and (2) the amount of any credit or liquidity enhancement facility fees, administrative fees or remarketing fees for such Obligations.

(C) PREPAYMENT MODIFICATION FACTOR. A "Prepayment Modification Factor" shall be computed for each Fiscal Year by dividing (1) the amount computed by subtracting (a) the sum of the Adjusted Prepayment Amounts, as of the date on which the Obligations are issued by the County, for all Tax Parcels as to which prepayment has been made following issuance of the Obligations, from (b) the total principal amount of Obligations initially issued by the County, by (2) the total principal amount of Obligations initially issued by the County.

(D) MODIFIED DEBT SERVICE AMOUNT. A "Modified Debt Service Amount" shall be computed for each Fiscal Year by multiplying (1) the Debt Service Amount by (2) the Prepayment Modification Factor; provided however, that if for any Fiscal Year the "Modified Debt Service Amount" exceeds the principal amount of Obligations then outstanding plus interest thereon at rates one full percentage point in excess of the actual rates, the Modified Debt Service Amount shall be reduced to eliminate such excess.

(E) DEBT SERVICE FACTOR. A "Debt Service Factor" shall be computed for each Fiscal Year by dividing (1) the Modified Debt Service Amount by (2) the aggregate Adjusted Prepayment Amount.

(F) ANNUAL DEBT SERVICE COMPONENT. The "Annual Debt Service Component" shall be computed for each Fiscal Year for each Tax Parcel by multiplying (1) the Adjusted Prepayment Amount for such Tax Parcel by (2) the annual Debt Service Factor.

(G) COLLECTION COST COMPONENT. The "Collection Cost Component" shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Adjusted Prepayment Amount, and (2) multiplying the result by the Collection Cost.

(H) STATUTORY DISCOUNT AMOUNT. The "Statutory Discount Amount" shall be computed for each Tax Parcel as the amount by which Section 129.01(2)(b), Florida Statutes, requires the County to discount reasonably anticipated receipts in connection with preparation of its annual budget, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from

(2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) 0.95.

(I) ROAD IMPROVEMENT ASSESSMENT. The annual Road Improvement Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Debt Service Component, (2) the Collection Cost Component and (3) the Statutory Discount Amount.

(J) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon issuance of the ad valorem tax bill for each Fiscal Year, the Adjusted Prepayment Amount for each Tax Parcel shall be recomputed by deducting (1) the amount computed by (a) dividing (i) the principal component of the Debt Service Amount utilized to compute the Debt Service Component for the Road Assessment Roll by (ii) the total Debt Service Amount utilized to compute the Debt Service Component for the Road Assessment Roll and (b) multiplying the result by the Annual Debt Service Component included on the Road Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount utilized to compute the annual Road Improvement Assessment included on the Road Assessment Roll for such Tax Parcel.

(K) APPLICATION OF ASSESSMENT PROCEEDS. Proceeds from the annual Road Improvement Assessments received during each Fiscal Year shall be applied by the County as follows: (A) payment of the Collection Cost, (B) payment of any credit or liquidity enhancement facility fees, administrative fees or remarketing fees attributable to the Obligations, (C) payment or prepayment of any principal and interest becoming due on the Obligations during such Fiscal Year; and (D) prepayment of principal on the Obligations becoming due in any future Fiscal Year.

**SECTION 4.03. INITIAL PREPAYMENT OPTION.** Upon completion of the Road Improvements, the Assessment Coordinator shall determine the actual Road Improvement Capital Cost and provide first class mailed notice to the owner of each Tax Parcel subject to the Road Improvement Assessment of the Board's intent to issue Obligations to finance the Road Improvement Project Cost. On or prior to the date specified in such notice (which shall not be earlier than the twentieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the Board may allow in its sole discretion, the owner of each Tax Parcel subject to the Road Improvement Assessment shall be entitled to tender the Initial Prepayment Amount to the County and prepay all future annual Road Improvement Assessments.

**SECTION 4.04. ADDITIONAL PREPAYMENT OPTION.**

(A) Following the date specified in the notice provided pursuant to Section 4.03 hereof, or such later date as the Board may allow in its sole discretion, the owner of each Tax Parcel subject to the Road Assessments shall be entitled to prepay all future unpaid annual Road Improvement Assessments upon payment of an amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one full percentage point in excess of the rate on the Obligations, from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the County can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(B) During any period commencing on the date the annual Road Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the future unpaid annual Road Improvement Assessments for the Tax Parcel by the amount of the Road Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 4.04 shall be final. The County shall not be required to refund any portion of a prepayment if annual Road Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

#### **SECTION 4.05. MANDATORY PREPAYMENT.**

(A) If at any time a tax certificate has been issued and remains outstanding in respect of any Tax Parcel subject to the Road Improvement Assessment, the owner shall prepay all future unpaid annual Road Improvement Assessments for such Tax Parcel if the County, at its sole option, elects to accelerate the Road Improvement Assessment. The amount required to prepay the future unpaid annual Road Improvement Assessments will be equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one full percentage point in excess of the rate on the Obligations, from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the County can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.

(B) During any period commencing on the date the annual Road Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the future unpaid annual Road Improvement Assessments for the Tax Parcel by the amount of the Road Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 4.05 shall be final. The County shall not be required to refund any portion of a prepayment if annual Road Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

**SECTION 4.06. REALLOCATION UPON FUTURE SUBDIVISION.**

(A) Upon subdivision of any Tax Parcel located within the Road Maintenance MSBU that is subject to the Road Improvement Assessment, and compliance with the conditions set forth below, the Initial Prepayment Amount for such Tax Parcel (or, if the Obligations have been issued, the Adjusted Prepayment Amount for such Tax Parcel) shall be reallocated among the subdivided parcels.

(B) In order to have the Initial Prepayment Amount for such Tax Parcel (or, if the Obligations have been issued, the Adjusted Prepayment Amount for such Tax Parcel) reallocated in connection with any such subdivision, the owner shall be required to apply to the County and comply with each of the following conditions:

(1) a recorded plat, approved site plan or comparable document must be provided to the County sufficient in detail to describe adequately the location of the Tax Parcel and the individual parcels in the proposed subdivision;

(2) the Property Appraiser must have assigned distinct ad valorem property tax identification numbers to each individual subdivided parcel or committed in writing to assign such numbers prior to the next ensuing August 1 or any later date approved by the County that will not prevent timely certification of the Assessment Roll in accordance with the Uniform Assessment Collection Act;

(3) at the expense of the property owner, an appraisal must be provided by a County-approved "certified general appraiser," as defined in Section 475.611(g), Florida Statutes, which indicates the fair market value of the Tax Parcel prior to the subdivision and the fair market value of each individual subdivided parcel; in determining the fair market value of the individual subdivided parcels, the appraiser may take into consideration any infrastructure improvements that are then under construction if funds sufficient for their completion are secured to the satisfaction of the County Attorney;

(4) a proposed reallocation of the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) to each individual parcel must be provided to the County; provided however, that no portion of the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) may be reallocated to property proposed for dedication to the public or to common use of the subdivided parcels;

(5) the fair market value of each separate parcel after the subdivision must be either (i) at least five times the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) reallocated thereto, or (ii) bear no less a ratio to the reallocated Initial Prepayment Amount (or,

if the Obligations have been issued, the Adjusted Prepayment Amount) than the entire parcel did to the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) prior to such subdivision; and

(6) the property owner shall pay an assessment reallocation fee to the County for each individual parcel resulting from the subdivision, in an amount to be established by resolution of the Board of County Commissioners.

(C) If the owner of any Tax Parcel subject to the Assessment subdivides such Tax Parcel and fails to comply with the foregoing conditions, the County shall reallocate the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) among the subdivided parcels, based upon the land value, without improvements, assessed to each subdivided parcel by the Property Appraiser. In such event, the County may obtain an appraisal of the subdivided parcels within one year, at its sole discretion, and reallocate the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) based upon the land value, without improvements, reflected in the appraisal. If an appraisal is obtained, the cost of the appraisal will be allocated among the subdivided parcels on the basis of the value reflected therein and added to the Collection Cost Component of the Assessment for each subdivided parcel in the Fiscal Year following receipt of the appraisal. It is hereby found and determined that the foregoing method of reallocating the Initial Prepayment Amount (or, if the Obligations have been issued, the Adjusted Prepayment Amount) among subdivided parcels is fair and reasonable, taking into consideration the opportunity for reallocation available to the owner and the requirement to provide adequate security for the Obligations.



(D) Notwithstanding the foregoing, the subdivision of a Tax Parcel shall not be required to comply with the provisions of this Section 4.06 if each of the subdivided parcels consists of one or more complete Platted Lots.

**ARTICLE V**  
**GENERAL PROVISIONS**

**SECTION 5.01. METHOD OF COLLECTION.**

(A) Road Assessments for the Fiscal Year ending September 30, 1997 shall be collected under the alternative method of collection provided in Section 4.02 of the Ordinance. Thereafter, the Road Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

(B) Any payment delinquency, delinquency fees and recording costs relating to any Road Assessments for the Fiscal Year ending September 30, 1997 shall be collected with the Road Assessments for the Fiscal Year ending September 30, 1998. If such delinquent amounts are to be collected with respect to any Tax Parcel, (1) notice of the aggregate amount shall be provided to the owner of such Tax Parcel, and (2) any lien on the Tax Parcel for such additional amount shall be supplanted upon certification of the Road Assessment Roll to the Tax Collector.

**SECTION 5.02. SEVERABILITY.** If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 5.03. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 8th day of October, 1996.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**



By: Donald Jordan  
Chairman Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

Genora Newsome  
DEPUTY CLERK

**APPENDIX A**

**FORM OF NOTICE TO BE PUBLISHED**

To Be Published October 12, 1996

**[MAP OF ROAD MAINTENANCE MSBU]**

**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS**

Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, will conduct a public hearing to consider creation of the Vogel Road Maintenance Municipal Service Benefit Unit, as shown above, and to impose special assessments against certain parcels of property located therein. The hearing will be held at 5:30 p.m. on November 12, 1996, in the County Commission Chambers of the St. Johns County Administration Building at 4020 Lewis Speedway, St. Augustine, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact David Halstead at (904)823-2501 at least seven days prior to the date of the hearing. All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice. Any person wishing to appeal any decision of the Board of County Commissioners with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.

The assessments have been proposed to fund road grading and maintenance services and road improvements necessary to provide this service in an efficient and cost effective manner. Assessments will not be imposed if the roads within the Road

Maintenance MSBU are repaired and graded in a manner that permits the safe, convenient, and efficient provision of Essential Services. The assessment for each parcel of property will be based upon the number of residential units attributable to such parcel. (For the purposes of the assessment, a residential unit includes unimproved property upon which a residential dwelling unit can be sited or constructed.) A more specific description is set forth in the Initial Road Assessment Resolution adopted by the County Commission on October 8, 1996. Copies of the Initial Road Assessment Resolution, the plans and specifications for the road improvements, and the preliminary assessment roll are available for inspection at the offices of the Assessment Coordinator, located at 4020 Lewis Speedway, St. Augustine, Florida.

Annual assessments to fund the road improvements will be payable for a period of 10 years. The first annual assessments may be billed separately by the County. Thereafter, annual assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title. Future annual assessments to fund road improvements may be prepaid at the option of the property owner.

If you have any questions, please contact the County's Assessment Coordinator at (904)823-2587.

**ST. JOHNS COUNTY, FLORIDA**

**APPENDIX B**

**FORM OF NOTICE TO BE MAILED**

\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

ST. JOHNS COUNTY, FLORIDA

NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS  
IN THE VOGEL ROAD MAINTENANCE  
MUNICIPAL SERVICE BENEFIT UNIT

TAX PARCEL NO: \_\_\_\_\_  
OWNER: \_\_\_\_\_

NOTICE DATE: October 12, 1996

Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, will conduct a public hearing to consider creation of the Vogel Road Maintenance Municipal Service Benefit Unit and to impose special assessments against certain parcels of property located therein, including the Tax Parcel identified above. The hearing will be held at 5:30 p.m. on November 12, 1996, in the County Commission Chambers of the St. Johns County Administration Building at 4020 Lewis Speedway, St. Augustine, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact County's Assessment Coordinator at (904)823-2587 at least seven days prior to the date of the hearing. All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice. Any person wishing to appeal any decision of the Board of County Commissioners with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.



The assessments have been proposed to fund road grading and maintenance services and road improvements necessary to provide this service in an efficient and cost effective manner. Assessments will not be imposed if the roads within the Road Maintenance MSBU are repaired and graded in a manner that permits the safe, convenient, and efficient provision of Essential Services. The assessment for each parcel of property will be based upon the number of residential units attributable to such parcel. (For the purposes of the assessment, a residential unit includes unimproved property upon which a residential dwelling unit can be sited or constructed.) A more specific description is set forth in the Initial Road Assessment Resolution adopted by the County Commission on October 8, 1996. Copies of the Initial Road Assessment Resolution, the plans and specifications for the road improvements, and the preliminary assessment roll are available for inspection at the offices of the Assessment Coordinator, located at 4020 Lewis Speedway, St. Augustine, Florida.

Annual assessments to fund the road improvements will be payable for a period of 10 years. The first annual assessments may be billed separately by the County. Thereafter, annual assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title. Future annual assessments to fund road improvements may be prepaid at the option of the property owner.

The following information relates to the Tax Parcel shown above:

Number of residential units	_____
Maximum annual installment of the assessment	\$_____

The County expects to collect \$4,372.98 per year from the assessments.

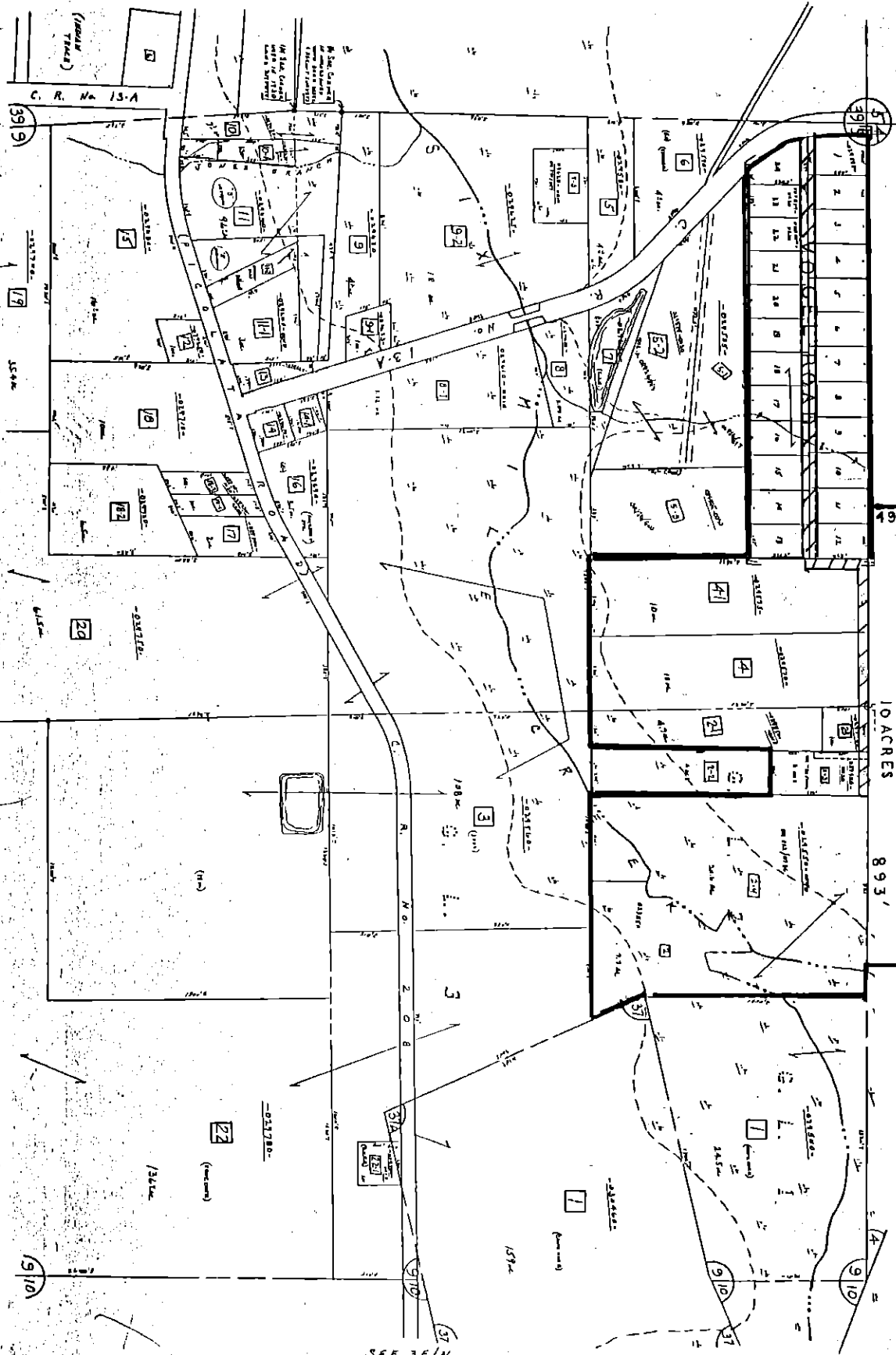
If you have any questions, please contact the County's Assessment Coordinator at  
(904)823-2587.

**\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\***

**APPENDIX C**

**MAP DEPICTING ROAD MAINTENANCE MSBU**

N/37 37S



SEE 3E/N  
 10 ACRES  
 893'  
 029370-0000

WILL CARRER MODEL (PENDING)

50'x110' 37'x110' 37'x110'

SEE 3E/N



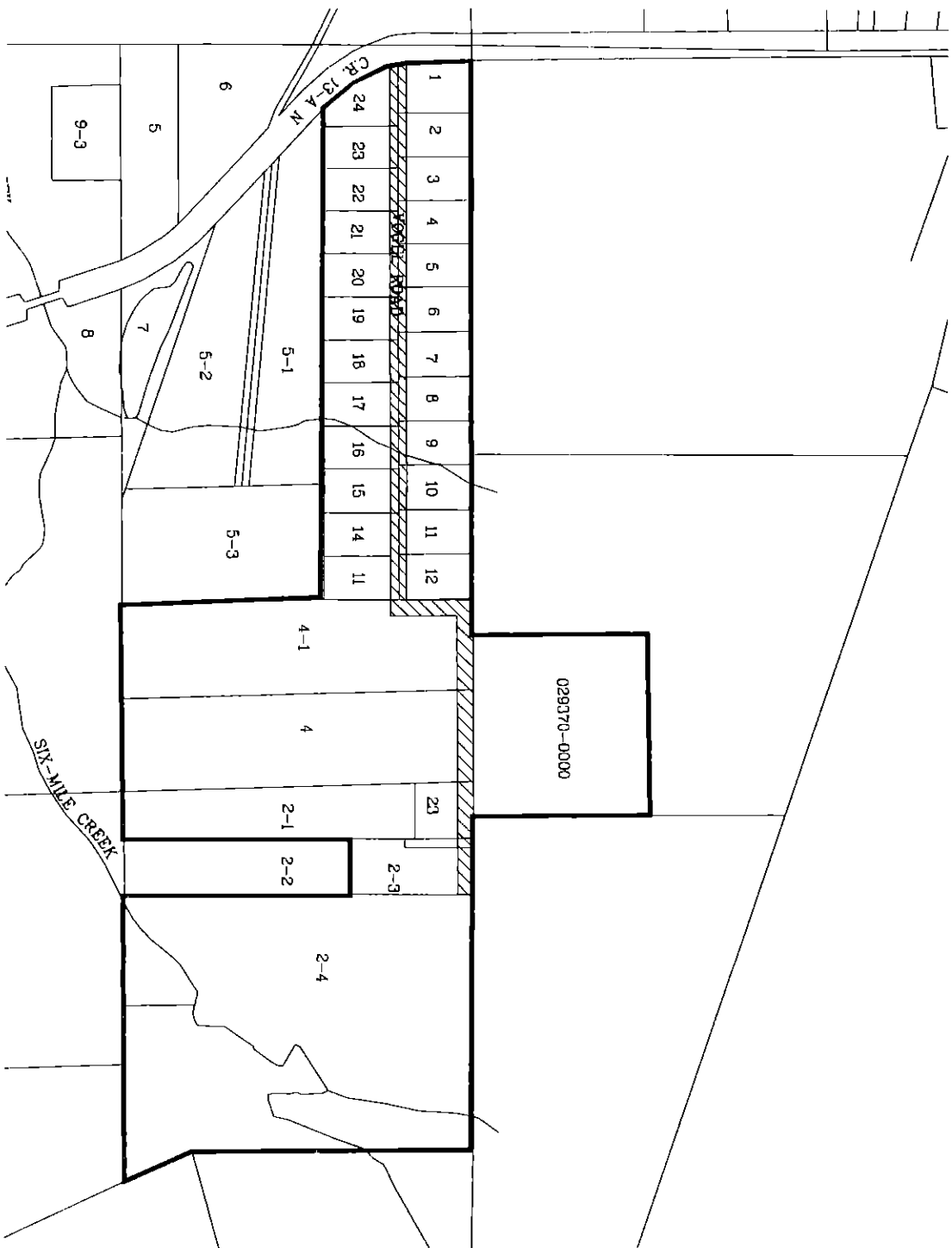
147

OVERLAYS AERIAL PHOTO #55C

9,377S 28E				3E
9,377S 28E				
9,377S 28E				9X
9,377S 28E				

SEE 3E/N

**MSBU**  
VOGEL ROAD



MSBU LOCATION: T 7 S R 28 E  
PROPERTY APPRAISER MAP: 3E/9X