

RESOLUTION NO. 2003-102

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH THE TAX COLLECTOR FOR THE COLLECTION OF THE NON AD VALOREM ASSESSMENTS PURSUANT TO RESOLUTIONS 02-191 AND 02-192 WHICH CREATED THE RUSTY ANCHOR AND CH ARNOLD MUNICIPAL SERVICES BENEFIT UNITS; PROVIDING FOR THE REIMBURSEMENT OF ADMINISTRATIVE COSTS ASSOCIATED WITH THE COLLECTION OF NON AD VALOREM ASSESSMENTS AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (“**Board**”) adopted the Final Road Assessment Resolution No. 2002-191 creating the Rusty Anchor/Wendover Municipal Services Benefit Unit (**MSBU**), and

WHEREAS, the Board adopted the Final Road Assessment Resolution No. 2002-192 creating the CH Arnold MSBU, and

WHEREAS, both these resolutions provide for collection of the levied assessments by the Tax Collector in accordance with F. S. 197.3632, and

WHEREAS, Florida Statutes 197.3632 (2) requires a written agreement with the Tax Collector for reimbursement of administrative costs.

BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida as follows:

Section 1. The above Recitals are incorporated herein as Findings of Fact.

Section 2. The Agreement with the Tax Collector attached hereto and incorporated by reference as **Exhibit "A"** is hereby approved and the Chairman of the Board of County Commissioners of St. Johns County, Florida is authorized to execute said Agreement.

Section 3. The Clerk of the Board is hereby instructed to file a copy of said Agreement in the Official Records of St. Johns County.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 27th day of May 2003

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Patricia A. Grande
Deputy Clerk

RENDITION DATE 05-28-03

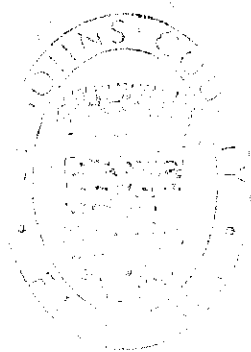


Exhibit "A"
Agreement with Tax Collector

AGREEMENT

This Agreement entered into this _____ day of _____, 2003 between the Board of County Commissioners of St. Johns County, Florida ("County") and the Tax Collector of St. Johns County, Florida ("Tax Collector").

Witnesseth: In consideration of the following representations and agreements the parties hereto agree as follows:

1. The Tax Collector shall perform such duties and tasks as may be required of him in order for the County to implement and use Florida Statute 197.3632 (Uniform method for levy, collection and enforcement of non ad valorem assessments) in order to levy and collect Special Assessments against the real property located within the following Municipal Service Benefits Units (MSBUs) created under St. Johns County Ordinance 96-53:

- CH Arnold Road MSBU – see Exhibit "A"
- Rusty Anchor/Wendover Road MSBU – see Exhibit "B"

2. The County shall reimburse the Tax Collector for all necessary administrative costs incurred by him under Florida Statute 197.3632 and this Agreement. Administrative costs shall include, but not be limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The parties acknowledge that the administrative costs are calculated to equal two percent (2%) of the amounts collected. The parties further agree that the administrative costs will be included as part of the total assessment amount levied and will not be identified as a separate charge.

3. The County represents that it has complied with all necessary or desired Florida Statute 197.3632(3) including the notice of intent resolution which was adopted as Resolution 99-155 by the County on October 26th, 1999 and that copies of the adopted resolution have been mailed to the St. Johns County Property Appraiser, the St. Johns County Tax Collector and the State of Florida, Department of Revenue by January 1st, 2000. A depiction of the property subject to the levy of each municipal service benefit units referenced in this Agreement as well as the Resolutions of the County approving these assessments is attached hereto and incorporated herein by reference as **Exhibit "A"** and **Exhibit "B"** for CH Arnold Road MSBU and Rusty Anchor/Wendover Road MSBU respectively.

4. The parties agree that the non-ad valorem assessments shall be levied using the uniform method provided for in Florida Statutes, Section 197.3632 and shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Florida Statutes, Section 197.3632.

5. The parties agree that the non-ad valorem assessments collected pursuant to Florida Statutes, Section 197.3632, shall be subject to the collection procedures provide for in

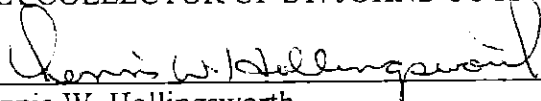
Chapter 167, Florida Statutes, for ad valorem taxes and includes discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment and issuance and sale of tax certificates and tax deeds for nonpayment.

6. The County represents that it has complied with all necessary laws and regulations of the State of Florida and St. Johns County necessary for the passage of the non-ad valorem assessment referenced in this Agreement and for its collection by the Tax Collector.

7. In the event this non-ad valorem assessment or any portion thereof should be found or determined to be unlawful or unconstitutional, and/or any type of refund is ordered or required to be made by the Tax Collector, the County hereby agrees to provide the funds necessary for any such refund, and, further, to reimburse the Tax Collector for any and all necessary administration costs incurred by him for said refund. Administrative costs shall include, but not be limited to, those costs associated with personal, forms, supplies, data processing, computer equipment, postage and programming.

This Agreement entered into as first written above.

TAX COLLECTOR OF ST. JOHNS COUNTY, FLORIDA



Dennis W. Hollingsworth
Tax Collector

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
James E. Bryant, Chairman

(SEAL)

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk

Exhibit "A" – Depiction and Resolutions

CH ARNOLD ROAD MSBU. The CH Arnold Road MSBU shall include the property located within the boundaries of Section 40, Township 6 & 7 South, Range 27 East and includes all Parcels of Record and Platted Lots facing or abutting CH Arnold Road as depicted below. The CH Arnold Road MSBU is has been enacted 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.

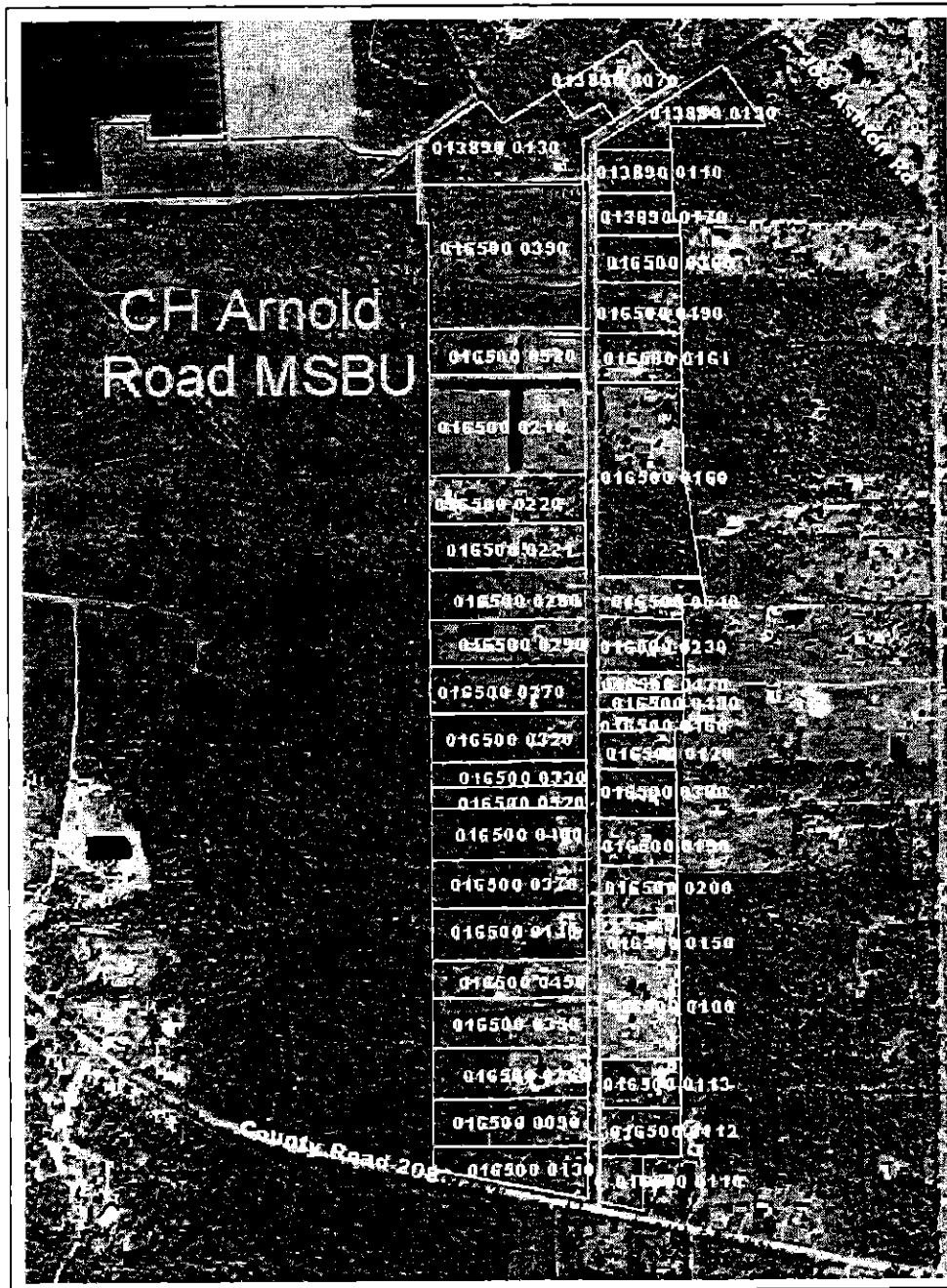


Exhibit "B" – Depiction and Resolutions

RUSTY ANCHOR/WENDOVER MSBU. The Rusty Anchor/Wendover MSBU shall include the property located within the boundaries of Section 40, Township 6 South, Range 27 East and includes all Parcels of Record and Platted Lots facing or abutting Rusty Anchor Road and Wendover Road as depicted below. The Rusty Anchor/Wendover Road MSBU has been enacted 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.

