

RESOLUTION NO. 2005-209

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION FACILITIES; CREATING THE PONTE VEDRA WASTEWATER (PHASE II) ASSESSMENT AREA; IMPOSING SPECIAL ASSESSMENTS AND ESTABLISHING THE MAXIMUM ANNUAL AMOUNT FOR EACH EQUIVALENT RESIDENTIAL CONNECTION; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; REQUIRING THE COUNTY COORDINATOR TO PERFORM TASKS THAT ARE SET FORTH IN SECTIONS 9 AND 10 HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADJUSTMENTS TO THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") of St. Johns County, Florida, enacted Ordinance No. 2002-55 on September 25, 2002 (the "Ordinance"), to provide for the creation of assessment areas and authorize the imposition of special assessments to fund the construction of local improvements and related services to serve the property located therein; and

WHEREAS, on July 12, 2005, the Board adopted Resolution No. 2005-192, the Initial Assessment Resolution, proposing creation of the Ponte Vedra Wastewater (Phase II) Assessment Area and describing the method of assessing the cost of the Wastewater Collection Facilities against the real property that will be specially benefited thereby, and directing preparation of the preliminary Assessment Roll and provision of the notices required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the County is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the Board deems appropriate, after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll attached hereto is hereby filed with the office of the Clerk; and

WHEREAS, as required by the terms of the Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such

property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing was held on August 9, 2005 and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution as defined in the Ordinance. All capitalized terms in this Final Assessment Resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. CREATION OF ASSESSMENT AREA. The Ponte Vedra Wastewater (Phase II) Assessment Area is hereby created and shall consist of the real property that is represented by the Tax Parcels that are identified in Appendix D attached hereto and incorporated herein. The Assessment Area is created for the purpose of improving the use and enjoyment of real property located therein by funding the construction of Wastewater Collection Facilities to provide access to wastewater collection services.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby ratified and confirmed. In the event of conflict between the Initial Assessment Resolution and this Resolution, this Final Assessment Resolution shall control.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll, a copy of which is attached hereto as Appendix D, is hereby approved.

SECTION 6. ASSESSMENTS.

(A) It is hereby found and determined that the Tax Parcels described in the Assessment Roll will be specially benefited by construction of the Wastewater Collection Facilities in the amount of the maximum annual Assessment set forth in this Section 6. The methodology for computing annual Assessments described in the Initial Assessment Resolution is hereby approved. Annual Assessments computed in the manner described in the Initial Assessment Resolution are hereby levied and imposed on all Tax Parcels described in the Assessment Roll at a maximum annual rate of \$752.72 per ERC for a period of 18 years, commencing in November 2005. The resulting Initial Prepayment Amount is \$9,315.00 per ERC.

(B) It is hereby found and determined that the assessments are "Capital Project Assessments" under the Uniform Assessment Collection Act.

(C) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the Assessments shall constitute a lien against assessed property 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 lien shall be superior in dignity to all other liens, titles and claims, until the ad valorem tax bill for such year is otherwise paid in full pursuant to the Uniform Assessment Collection Act. The lien shall be deemed perfected upon adoption by the Board of the Annual Assessment

Resolution, with attached Assessment Roll, and shall attach to the property included on such Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution, with attached Assessment Roll, for each Fiscal Year, the County Coordinator shall cause the certification and delivery of the Assessment Roll to the Tax Collector prior to September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 8. EFFECT OF FINAL ASSESSMENT RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments will be computed, the Assessment Roll, the maximum annual Assessment, the levy and lien of the Assessments and the terms for prepayment of the Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board adoption of this Final Assessment Resolution.

SECTION 9. ASSESSMENT NOTICE. The County Coordinator is hereby directed to record this Final Assessment Resolution as notice of the Assessments in the Official Public Records of St. Johns County, Florida and to request the Clerk to file a duplicate original hereof in the Official Records Book in the office of the St. Johns County Clerk of Courts. The preliminary Assessment Roll and each annual Assessment Roll shall be retained by the County Coordinator and shall be available for public inspection.

SECTION 10. PREPAYMENT NOTICE. The County Coordinator is hereby directed to provide notice by first class mail to the owner of each Tax Parcel described in the Assessment Roll of the opportunity to prepay all future annual Assessments, without financing cost. The notice, in substantially the form attached as Appendix C, shall be mailed to each property owner at the address utilized for the notice provided pursuant to Section 2.05 of the Initial Assessment Resolution.

SECTION 11. CHANGES TO THE ASSESSMENT ROLL. The County Coordinator is authorized to make adjustments to the Assessment Roll prior to the date that it is delivered to the Tax Collector pursuant to Section 2.13 of the Ordinance.

SECTION 12. SEVERABILITY. If any portion of this Final Assessment Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Final Assessment Resolution. If this Final Assessment Resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property, or circumstances.

SECTION 13. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 9th day of August 2005.

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

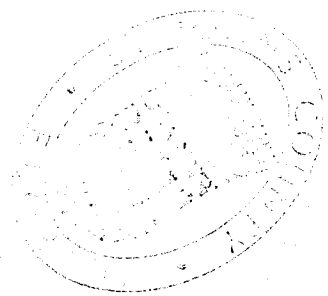
(SEAL) By: Patricia DeGrande
Deputy Clerk

Bruce A. Maguire
Bruce A. Maguire, Chairman

ATTEST:

By: Patricia DeGrande Deputy Clerk
Cheryl Strickland, Clerk

RENDITION DATE 8-11-05



APPENDIX A

PROOF OF PUBLICATION

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being **NOTICE OF HEARING**
in the matter of **ASSESSMENT OF PV WASTEWATER**

was published in said newspaper in the issues of

JULY 21, 2005

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **21ST** day of **JULY, 2005**.

by *Patricia A. Bergquist* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)



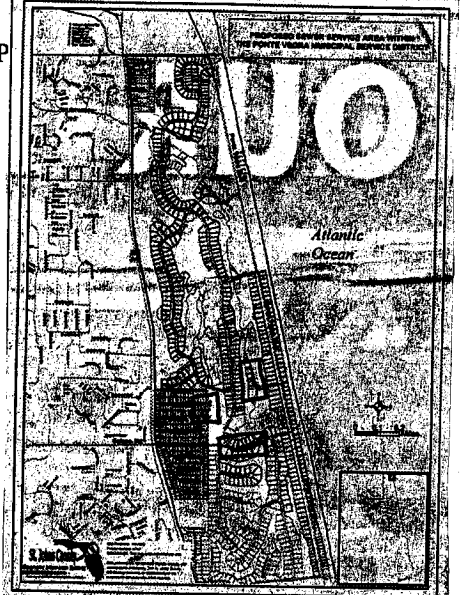
Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

COPY

NOTICE PUBLIC HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
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 Ponte Vedra Wastewater (Phase II) Assessment Area, as shown above, and to impose non-ad valorem special assessments against certain parcels of property located therein. The hearing will be held at 1:30 P.M. or as soon thereafter as the matter can be heard on August 9, 2005 in the County Auditorium located at 4020 Lewis Speedway, St. Augustine, Florida for the purpose of receiving public comment on the proposed Assessment Area and assessments.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2235 at the St. Johns County Courthouse, 4070 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD) or Florida Relay Service, 1-800-955-8770, no later than 5 days prior to the date of the meeting.

All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners prior to the public hearing. If any person decides to appeal any decision made by the St. Johns County Board of County Commissioners with respect to a matter considered at such hearing, such person will need a record of the proceedings, and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record, including any testimony and evidence on which the appeal is to be based,

has been made available to the appellant. The Assessment will have been used to fund construction of the wastewater treatment plant, the County's solid waste management and administration, the assessment program and, if applicable, the ad valorem financing costs. The assessment for each parcel of property will be based upon the number of equivalent residential connections attributable to such parcel. A more specific description is set forth in the Initial Assessment Resolution adopted by the Board of County Commissioners on 7/27/2005. Copies of the Initial Assessment Resolution, the plans and specification for the wastewater facilities, and the preliminary Assessment roll are available for inspection at the Clerk of the Courts, Minutes and Records Department located at 4020 Lewis Speedway, St. Augustine, Florida.

The Assessments will be collected by the tax collector on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in loss of title. The Board of County Commissioners intends to collect assessments in eighteen (18) annual assessments, the first of which will be included on the ad valorem tax bill to be mailed in November 2005. Future annual assessments may be prepaid at the option of the property owner.

Contact John Schwab, Special Projects Manager, for additional information at (904) 209-0561.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, CLERK
By: Patricia DeGrande, Deputy Clerk
L1775-5 July 21, 2005

APPENDIX B

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared Matt Matherne, who, after being duly sworn, deposes and says:

1. I, Matt Matherne, have been designated by the County Administrator of St. Johns County, Florida, to mail the notices required by Section 2.05 of Resolution No. 2005-192, adopted by the Board of County Commissioners of St. Johns County, Florida, on July 12, 2005 (the "Initial Assessment Resolution").

2. On or before July 19, 2005, a notice in accordance with Section 2.05 of the Initial Assessment Resolution was mailed by first class mail, to each owner of property within the Ponte Vedra Wastewater (Phase II) Assessment Area in conformance with the requirements of Ordinance No. 2002-55, enacted by the Board of County Commissioners of St. Johns County, Florida, on September 25, 2002, at the address shown on the real property tax roll maintained by the St. Johns County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.



Affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was signed and sworn to before me by Matt Matherne,
who is personally known to me or who has produced _____ as identification and did
(did not) take an oath.

WITNESS, my hand and official seal this 25th day of July, A.D., 2005.



Kelly S Shannon
My Commission DD230886
Expires July 10, 2007

Kelly S. Shannon
Signature of Notary Public, State of Florida

KELLY S SHANNON
Name of Notary Public (printed)

My commission expires: 7/10/07

APPENDIX C

FORM OF PREPAYMENT NOTICE

St. Johns County
Clerk of the Circuit Court
4020 Lewis Speedway
St. Augustine, Florida 32085

ST. JOHNS COUNTY, FLORIDA
CLERK OF THE CIRCUIT COURT AND EX-
OFFICIO CLERK OF THE BOARD OF
COUNTY COMMISSIONERS

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

Notice Date: July 19, 2005

«OwnerName1»
«OwnerName2»
«OwnerAdd1»
«OwnerAdd2»
«City», «State» «ZIP»

Sequence # MCWS0«SeqNum»
Legal: «Legal»

Re: Parcel Control Number «PID»
Ponte Vedra Phase II Municipal Service Benefit Unit

_____, 2005
[Property Owner Name]
[Street Address]
[City, State and zip]

Dear Property Owner:

You have previously signed a consent and acknowledgment affidavit requesting the County to provide an additional vacuum sewer connection to your property. Please be advised that an assessment area is now being created to include these additional properties. The purpose of the assessments will be to pay for the additional costs related to these wastewater collection facilities, the County's cost to implement and administer the assessment program and, if applicable, the County's financing costs. Each residential parcel or lot on which a single-family residence can be constructed will be assigned one equivalent residential connection (ERC). The assessment for each tax parcel is based on the number of ERCs attributable to that property. A more specific description of the assessment program is set forth in the Initial Assessment Resolution adopted by the Board of County Commissioners on July 12, 2005. Copies of the Initial Assessment Resolution, the plans and specifications for the wastewater collection facilities, and the preliminary Assessment Roll are available for your review at the office of the Clerk of Court – Minutes and Records Department], located at 4020 Lewis Speedway, St. Augustine, Florida. Information regarding the assessment for your specific property, including the number of ERCs, is attached to this letter.

The County intends to finance this assessment project. This will permit the cost attributable to your property to be amortized over a period of eighteen (18) years. However, you may choose to prepay your assessment in full (\$9,315 per ERC) prior to August 31, 2005 and avoid the additional financing cost. Please do not send payment now.

Each annual assessment will include your share of (1) the principal and interest attributable to the financing due for that year, (2) the County's cost to implement and administer the assessment program, and (3) the discount amount that Florida law allows for early payment of your ad valorem/non-ad valorem tax bill. The maximum annual assessment is estimated to be \$716.86 per

ERC. The total revenue the County expects to collect by the assessments is \$27,944. The County intends to include annual assessments on your ad valorem tax bill. Failure to pay your assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

The Board of County Commissioners will hold a public hearing at 1:30 P.M., or as soon thereafter as the matter can be heard, on August 9, 2005 in the Commission chambers located at 4020 Lewis Speedway, St. Augustine, Florida, for the purpose of receiving comments on the proposed assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the County Commission prior to or during the hearing. If you decide to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. If you are a person with a disability who needs any accommodation or an interpreter to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at (904) 209-0650, or in writing to 4020 Lewis Speedway, St. Augustine, Florida 32084. If you are hearing or voice impaired, please call Telecommunications Device for the Deaf (TDD), Florida Relay Service at 1-800-955-8770 no later than 3 days prior to the date of the meeting/hearing.

If you have any questions, please contact John Schwab, County Special Projects Coordinator at (904) 209-0563.

CLERK OF THE CIRCUIT COURT FOR ST. JOHNS
COUNTY, EX-OFFICIO CLERK OF THE BOARD OF
COUNTY COMMISSIONERS OF ST. JOHNS COUNTY

PONTE VEDRA (PHASE II) WASTEWATER ASSESSMENT AREA

[Property Owner Name]
Parcel Control Number [Insert Number]
Total number of ERCs attributed to property: [Insert Number]
Initial prepayment amount (excludes financing cost): [Insert Amount]
Adjusted prepayment amount (includes financing cost): [Insert Amount]
Number of annual payments: 18
Maximum annual payment: [Insert Amount]
Expected date of first bill: November 2005
Total amount of annual payments: [Insert Amount]
Expected date of last bill: November 2022

***** SEND NO MONEY NOW. THIS IS NOT AN INVOICE *****

APPENDIX D
ASSESSMENT ROLL

ST. JOHNS COUNTY, FLORIDA – PONTE VEDRA WASTEWATER ASSESSMENT
PHASE II

PARCEL ID #	NAME	ADDRESS	ERC
057190-0000	ARNOLD, WALTER G. KATHY G.	8 SAN DIEGO RD	1
060190-0400	COSGROVE, TERESA M. CREAVY, JAMES	463 GOLFVIEW CIR	1
060460-0150	HARRIGAN, MICHAEL, A. ETAL	55 SOLANO RD	1