

RESOLUTION NO. 2016- 377

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE TAX COLLECTOR AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida (“Board”) enacted Resolution 2016-~~377~~, creating the Moultrie Crossing Utility Line Municipal Service Benefit Unit (“MSBU”); and

WHEREAS, Resolution 2016-~~378~~ provides for the collection of the levied assessments by the Tax Collector in accordance with Florida Statute 197.3632; and

WHEREAS, Florida Statute 197.3632 requires a written agreement attached hereto as **Exhibit “A”**, incorporated by reference and made a part hereof, with the Tax Collector for the collection of the non-ad valorem assessments pursuant to the MSBU and the reimbursement of administrative costs associated with those collections. Said reimbursement is defined in the agreement as 2% of payments received by the Tax Collector.

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

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board hereby approves the Agreement with the Tax Collector attached hereto and authorizes the Chairman of the Board to execute said Agreement.

Section 3. The Clerk of the Courts of St. Johns County is instructed to record the original Agreement in the Public Records of St. Johns County, Florida.

Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

PASSED AND ADOPTED, this 6 day of December, 2016.

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

By: _____
Chair

ATTEST: Hunter S. Conrad, Clerk

By: *Ram Halterm*
Deputy Clerk

RENDITION DATE 12/7/16



Exhibit "A" to Resolution

AGREEMENT

This Agreement is entered into this _____ day of _____, 2016 between the St. Johns County (**the County**), a political subdivision of the state of Florida, and the Tax Collector of St. Johns County, Florida (**the Tax Collector**).

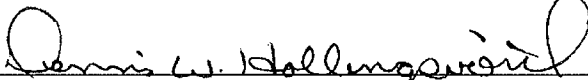
In consideration of the representations and agreements set forth below the parties agree as follows:

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 Section 197.3632, Florida Statutes, (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 Moultrie Crossing Utility Line Municipal Service Benefit Unit ("MSBU") created by St. Johns County Resolution 2016- _____, as authorized by St. Johns County Ordinance 2013-21.
2. The County shall reimburse the Tax Collector for all necessary administrative costs incurred by him under Section 197.3632, Florida Statutes, and to include, but not be limited to those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County will compensate the Tax Collector an amount equal to two percent (2%) of the balance collected as commission pursuant to Section 192.091(2)(b), Florida Statutes, as opted by the Tax Collector on an annual basis during the term of this Agreement.
3. The County represents that it has complied with all necessary or desired requirements of Section 197.3632(3), Florida Statutes, 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 Florida Department of Revenue by January 10, 2017. A depiction of the property subject to the levy of the MSBU referenced in this Agreement and the Resolution of the County approving these assessments are attached hereto and incorporated herein by reference as **Exhibit "A"** and **Exhibit "B"**, respectively.
4. The parties agree that the non-ad valorem assessments shall be levied using the uniform method provided for in Section 197.3632, Florida Statutes, and shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in Section 197.3635, Florida Statutes.
5. The parties agree that the non-ad valorem assessments collected pursuant to Section 197.3632, Florida Statutes, shall be subject to the collection procedures provided for in Chapter 197, Florida Statutes, for ad valorem taxes, including 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, or if any type of refund is ordered or required to be made by the Tax Collector, the County 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 personnel, forms, supplies, data processing, computer equipment, postage and programming.

This Agreement is entered into as of the date first written above.

TAX COLLECTOR OF ST. JOHNS COUNTY, FLORIDA



Dennis W. Hollingsworth, Tax Collector

ST. JOHNS COUNTY, FLORIDA

By: _____
_____, Chair

(SEAL)

ATTEST: HUNTER S. CONRAD, CLERK

By: _____
Deputy Clerk

Exhibit "A" to Agreement – Depiction of Assessment Area

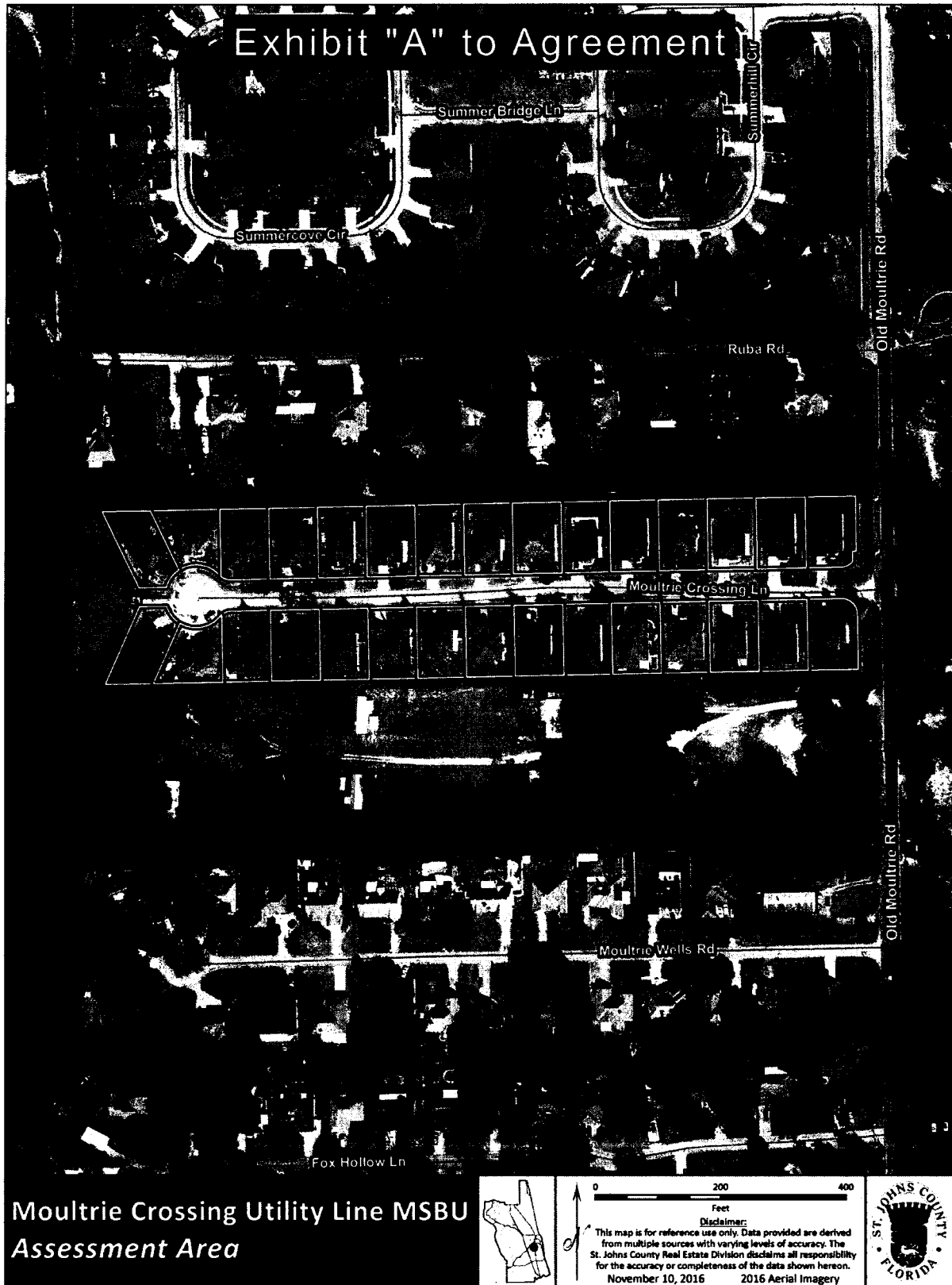


Exhibit "B" to Agreement – MSBU Resolution

Exhibit "B" to Agreement

RESOLUTION NO. 2016- _____

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CREATING THE MOULTRIE CROSSING UTILITY LINE MUNICIPAL SERVICE BENEFIT UNIT FOR THE PURPOSE OF LIFT STATION REPLACEMENT AND ADOPTION OF SAID LIFT STATION BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT; DESCRIBING THE PROPERTY TO BE LOCATED IN THE ASSESSMENT AREA; PROVIDING AN ESTIMATE OF THE CAPITAL COST; DESCRIBING THE METHOD OF APPORTIONING THE CAPITAL COST; DESCRIBING PROVISIONS FOR ACCELERATION AND PREPAYMENT OF THE ASSESSMENT; DESCRIBING PROVISIONS FOR REALLOCATING THE ASSESSMENTS UPON FUTURE SUBDIVISION OF ASSESSED PARCELS; PROVIDING LEGISLATIVE FINDINGS RECOGNIZING THE FAIRNESS OF THE APPORTIONMENT METHODOLOGY; STATING ST. JOHNS COUNTY'S INTENT TO USE THE UNIFORM ASSESSMENT COLLECTION ACT; SETTING THE MAXIMUM AMOUNT OF THE ASSESSMENTS; ESTABLISHING THE INITIAL ASSESSMENT ROLL; PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ANNUAL ASSESSMENT ROLLS; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ON BEHALF OF THE COUNTY, DOCUMENTS OR OTHER PAPERWORK NECESSARY TO ACCOMPLISH THAT PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution and Chapter 125, Florida Statutes, grant to St. Johns County (County) all powers of local self-government not inconsistent with general or special law; and,

WHEREAS, the County is authorized by Sections 125.01(q) and (r), Florida Statutes, to establish municipal service benefit units to provide water, sewer, streets, drainage, transportation and other essential facilities and services; and,

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, (Board) enacted Ordinance No. 2013-21 (Ordinance) on May 7, 2013, to provide for the creation of Assessment Areas to help existing neighborhoods, with multiple owners and established residences on the majority of lots, fill in missing water and sewer line infrastructure when it would be possible to do so using existing reserves, without negatively affecting utility rates, debt capacity or bond financing; and,

WHEREAS, the property owners in the Moultrie Crossing subdivision (Applicants) have requested the County create Moultrie Crossing utility Line Municipal Service Benefit Unit (MSBU) to finance the retrofit and upgrade of their existing privately owned lift station and accept ownership of the lift station, to insure timely and efficient maintenance and repairs in the future, and maintain essential sanitation and public health benefits; and,

Exhibit "B" to Agreement – MSBU Resolution

WHEREAS, no request to create an Assessment Area for Utility Line Improvements, incorporating all or part of the proposed Assessment Area, has failed within the previous six months; and,

WHEREAS, the Applicants have complied with the procedural requirements for proposed MSBU per Section 3 of the Ordinance, including eighty percent (80%) of the affected property owners signifying approval of the contemplated Utility Line Improvements and associated MSBU; and,

WHEREAS, the Moultrie Crossing Homeowners Association had presented an Easement for Utilities and a Bill of Sale for the lift station to the County, attached hereto as Exhibit "A" and Exhibit "B", incorporated by reference and made a part hereof; and,

WHEREAS, the St. Johns County Utility Department (SJCUD) has presented written verification demonstrating that the contemplated Utility Line Improvements and the County's operation thereof will not adversely affect the County's outstanding water and sewer revenue bonds or the funds pledged to the payment of such revenue bonds, and will not impair the County's compliance with any bond covenants contained in the applicable bond resolution; and,

WHEREAS, Florida Statute 197.3632 requires the Board to adopt a resolution at a public hearing clearly stating its intent to use the uniform method of collecting such an assessment prior to January 1, or if the Property Appraiser and Tax Collector agree, March 1.

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

SECTION 1. DEFINITIONS. Terminology used in this resolution shall have its common and ordinary meaning, unless it is otherwise defined in the County Comprehensive Plan Land Development Code, the Ordinance, or by Law.

SECTION 2. CREATION OF ASSESSMENT AREA. The Moultrie Crossing Utility Line Municipal Service Benefit Unit is hereby created to include the property described in Section 4 to accomplish the improvements contemplated herein, and to assess the included property in the manner described herein.

SECTION 3. DESCRIPTION OF IMPROVEMENTS. This resolution authorizes the Utility Line Improvements (and related planning, design, permitting, hiring, leasing and purchasing) to perform the retrofits and upgrades necessary to bring the Moultrie Crossing lift station up to current SJCUD standards for dedication to SJCUD for ownership and maintenance, as deemed necessary by the County to insure timely and efficient maintenance and repairs in the future, and maintain essential sanitation and public health benefits, to be funded through the imposition of annual assessments against property located in the MSBU. The County Administrator is authorized to execute any contracts and agreements, created through standard purchasing procedures and approved by the County Attorney's Office and the Purchasing Manager, necessary to accomplish the improvements.

SECTION 4. DESCRIPTION OF THE ASSESSMENT AREA. The MSBU shall include Lots 1 through 30 of MOULTRIE CROSSING, according to the plat thereof as recorded in Map Book 52, pages 1 through 4 of the public records of St. Johns County, Florida. The Assessment Area is generally depicted by the map in Exhibit "C" and the list of parcels in the Assessment Roll in Exhibit "D".

Exhibit "B" to Agreement – MSBU Resolution

SECTION 5. APPROVAL OF THE ASSESSMENT ROLL. By September 15, 2017, and by September 15th of each year thereafter that assessments are imposed, the Board shall adopt a resolution approving the MSBU non-ad valorem assessment roll and annual assessment rates, and authorizing the certification of said assessment rolls, with the additions and deletions each year as appropriate, on compatible electronic medium to the St. Johns County Tax Collector with the dollar amount of the MSBU non-ad valorem assessment due that year from each parcel.

SECTION 6. ESTIMATE OF COST. The County estimates the costs associated with the MSBU Improvements to be \$190,000. The proposed assessments are based on this estimate. Upon completion of the Improvements, all actual costs will be compiled and the amount of the assessments will be re-calculated and adjusted in future annual assessment rolls.

SECTION 7. APPORTIONMENT OF COST.

(A) Due to the deteriorated condition of the existing lift station, the properties located within the MSBU are at risk of experiencing impaired access to wastewater treatment facilities, and require the provision of the lift station improvements contemplated in Section 3 to ensure the maintenance of essential sanitation and public health benefits for such properties. The lift station improvements described in this resolution will provide a special benefit to all properties within the MSBU because such improvements possess a logical relationship to the use and enjoyment of the property by: (1) ensuring adequate access to wastewater treatment facilities; and (2) ensuring the maintenance of essential sanitation and public health benefits; and (3) protecting and enhancing the value and integrity of all property within the MSBU through the provision of the lift station improvements. The Board hereby finds and determines that the assessments to be imposed in accordance with this Resolution provide an equitable method of funding the lift station improvements by fairly and reasonably allocating the costs to specially benefitted property based upon the number of Equivalent Residential Units (ERU) constructed on buildable lots or buildable lots upon which a single family dwelling unit can be constructed that are attributable to each Tax Parcel. It is fair and reasonable to use ERUs to apportion the costs of the lift station improvements because it is the presence or possible presence of ERUs or buildable lots, rather than the size or value of each ERU or buildable lot, that drives the need for the lift station improvements to ensure essential sanitation and public health benefits.

(B) The number of Assessment Units attributable to each Tax Parcel within the MSBU shall be equal to the number of ERUs or buildable lots, as described in Section 7(A) encompassed by such Tax Parcel. If any Tax Parcel increases or decreases the number of ERUs attributable to the Tax Parcel during the ten (10) year period of assessments, the number of Assessment Units shall be adjusted as described in Section 7(A) for future assessment annual rolls beginning with the first annual assessment roll immediately following the change in the number of ERUs attributed to each Tax Parcel. If any change in the number of Assessment Units to any Tax Parcel shall result in an increase to the number of Assessment Units attributable to the Tax Parcel, such increase may be imposed by the Board of County commissioners at a public hearing after mailed notice is provided to the owner of the Tax Parcel conforming to Section 8 of the Ordinance.

SECTION 8. IMPOSITION OF ASSESSMENTS.

Exhibit "B" to Agreement – MSBU Resolution

(A) The principle of the MSBU cost shall be amortized in substantially equal annual payments over a period of ten (10) fiscal years.

(B) The principle shall bear interest at the rate of 5.5% per annum, to be compounded annually.

(C) Assessments shall include the Tax Collector fee of 2% and reimbursement of 5% for uncollectable receipts per Section 129.01, Florida Statutes.

(D) Based on an estimated cost of \$190,000, the total MSBU assessment shall be applied and charged at the maximum yearly rate of \$910.00 per Assessment Unit per year (which yearly rate includes estimates of the amounts of the items in Section 8 (B) and (C)) for 10 consecutive years, commencing November 2017, and will be collected each of those 10 years pursuant to Section 197.3632, Florida Statutes, in the manner and at times that ad valorem taxes are collected. The maximum rate shall only be exceeded by the adoption of a resolution at a public hearing properly noticed per Section 197.3632, Florida Statutes.

(E) The amount of the MSBU assessment per Assessment Unit shall be changed to reflect the actual cost of the MSBU following completion of the improvements and tabulation of costs.

(F) Prior to the certification of the Annual Assessment Roll for the tenth and final year of the MSBU, the amount of the MSBU Assessment shall be changed to reflect the actual amounts paid in prior years to the Tax Collector to collect the MSBU Assessments and the actual amount uncollected in prior years due to discounts for early payment of taxes, per Section 8(C).

(G) St. Johns County intends to use the uniform method of collection, per Section 197.3632, Florida Statutes, to collect the MSBU assessments imposed by this Resolution.

SECTION 9. REALLOCATION UPON FUTURE SUBDIVISION. If a Tax Parcel is divided, each resulting Tax Parcel shall bear assessments equal to the number of Assessment Units encompassed by such Tax Parcel, as described in Section 7.

SECTION 10. ACCELERATION AND PREPAYMENT.

(A) **Prepay Option.** Upon completion of the improvements, the County shall determine the actual cost of the improvements and MSBU creation and provide first class mailed notice to the owner of each tax parcel subject to the MSBU assessments of the Board's intent to allow prepayment of assessments. Following the date on which the notice is delivered to the possession of the U.S. Postal Service the owner of each tax parcel may prepay the remainder of their portion of MSBU assessments, with accrued interest, and avoid future interest charges that would occur after the date of payment.

(B) **Mandatory Prepayment.** The owner of a Tax Parcel subject to the assessment shall immediately prepay all future unpaid annual Assessments for such Tax Parcel if (1) the Tax Parcel is acquired by a public entity through condemnation, negotiated sale or otherwise, or (2) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the County, at its sole option, elects to accelerate the Assessment.

(C) The amount of prepayments made pursuant to this Section shall be final. The County shall not be required to refund any portion of a prepayment if annual assessments are not imposed for the full

Exhibit "B" to Agreement – MSBU Resolution

number of years anticipated at the time of such prepayment or if reapportionment following future subdivision, improvement of other tax parcels, or removal of dwelling units would have resulted in lower annual assessments than those anticipated at the time of such prepayment.

SECTION 11. EFFECT OF MSBU RESOLUTION. The adoption of this MSBU resolution shall be the final adjudication of the issues presented herein including, but not limited to, approval of the MSBU Assessment roll, the amount of the MSBU assessments, the levy and lien of the MSBU Assessments, and the terms for prepayment of the MSBU Assessments unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board action on this resolution.

SECTION 12. LIEN OF ASSESSMENTS. Upon adoption and/or certification of the assessment roll for each fiscal year, assessments to be collected under the Uniform Assessment Collection Act 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 paid. The lien shall be deemed perfected upon adoption and/or certification by the Board of the annual assessment roll and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 13. REVISIONS TO MSBU ASSESSMENTS. If any assessment made under the provisions of this resolution is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Board determines that any assessment is so irregular or defective that it cannot be enforced or collected, or if the Board determines any additional property should have been included on the Assessment Roll, the Board shall take all necessary steps to impose a new assessment against any property benefitted by the identified improvements, services, facilities, or programs, following as nearly as may be practicable, the provisions of this resolution. If the second assessment is annulled, the Board may obtain and impose other assessments until a valid assessment is imposed.

SECTION 14. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any assessment under the provisions of this resolution shall not affect the validity of the approved assessment, and any approved assessment shall be competent and sufficient evidence that the assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to the assessment were duly had, taken and performed as required by this Ordinance. No deviation from the directions of this Ordinance shall be held material unless it is clearly shown that the party objecting was materially injured by the deviation. Any party objecting to an assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed.

SECTION 15. CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Board, the County Administrator, Property Appraiser, Tax Collector, Clerk, or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any assessment imposed by the Board under the provisions of this resolution.

Exhibit "B" to Agreement – MSBU Resolution

(B) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the County Administrator. Any such correction which reduces an assessment shall be considered valid from the date on which the assessment was imposed and shall in no way affect the enforcement of the assessment imposed under the provisions of this resolution. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in Section 197.3632, Florida Statutes, providing the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard.

(C) After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

SECTION 16. ADOPTION OF LIFT STATION. The above described Easement for Utilities and Bill of Sale is hereby accepted by the Board of County Commissioners.

SECTION 17. SEVERABILITY. If any portion of this resolution is for any reason held or declared to be unconstitutional, inoperative or void, it shall not affect the remaining portions of this resolution. If this resolution or any of its provisions is held to be inapplicable to any person, property or circumstances, it shall not affect its applicability to any other person, property or circumstances.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS ____ DAY OF _____, 2016.

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

By: _____
Chair

ATTEST: Hunter S. Conrad, Clerk of Court

By: _____
Deputy Clerk

Exhibit "B" to Agreement – MSBU Resolution

Exhibit "A" to Resolution

EASEMENT FOR UTILITIES

THIS EASEMENT executed and given this 13th day of October, 2015 by MOULTRIE CROSSING HOMEOWNERS ASSOCIATION INC., a Florida not for profit corporation, with an address of 105 Marshall Circle, St. Augustine, Florida 32084, hereinafter called "Grantor" to ST. JOHNS COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is 500 San Sebastian View, St. Augustine FL 32084, hereinafter called "Grantee."

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor agrees as follows:

1. Grantor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee a non-exclusive permanent easement and right-of-way to install, construct, operate, maintain, repair, replace and remove pipes and mains constituting the lift station and sewer force mains and all other equipment and appurtenances as may be necessary or convenient for the operation of the underground sewer utility services (hereinafter referred to as "Utility Lines and Associated Equipment") over and upon the real property described on Exhibit A attached hereto (the "Easement Area"); together with rights of ingress and egress to access the Easement Area as necessary for the use and enjoyment of the easement herein granted. The location of the ingress and egress area to the Easement area has been mutually agreed upon by the Grantor and Grantee. This easement is for sewer utility services only and does not convey any right to install other utilities such as cable television service lines.

TO HAVE AND TO HOLD, unto Grantee, his successors and assigns for the purposes aforesaid. Said Grantor is lawfully seized of said land in fee simple and thereby has the authority to grant said easement.

The easement herein granted is subject to covenants, restrictions, easements, liens and encumbrances of record.

(a) Grantor reserves the right and privilege to use and occupy and to grant to others the right to use and occupy (i) the surface and air space over the Easement Area for any purpose which is consistent with the rights herein granted to Grantee; and (ii) subsurface of the Easement Area for other utility services or other purposes which do not interfere with the rights herein granted to Grantee, including, without limitation, the right to install, construct, operate, maintain, repair, replace and remove telecommunications, telephone, telegraph, electric, gas and drainage facilities and foundations, footing and/or anchors for surface improvements.

Exhibit "B" to Agreement – MSBU Resolution

(b) All Utility Lines and Associated Equipment will be installed, operated and maintained at all times beneath the surface of the Easement Area provided that the same may be temporarily exposed or removed to the surface when necessary or desirable for the purpose of repairing and/or replacing the same. Provided, however, that Associated Equipment that is customarily installed above ground may be installed above ground subject to the right of Grantor, consistent with good engineering practices to approve the location of such above ground installation in its reasonable discretion.

(c) The easement granted by this instrument may be relocated to a location acceptable to the Grantee at any time upon Grantor's request provided that Grantor bears the cost of relocating the underground water and sewer utility lines and facilities located within the Easement area. At Grantor's request, and upon relocation of such lines at Grantor's expense, Grantee and Grantor shall execute an instrument in recordable form relocating the easement hereby granted to the new Easement Area designated by and in the title of the Grantor.

(d) Grantee shall exercise the easement rights conveyed herein in a manner which will not unreasonably interfere with use and occupancy of residential or commercial improvements constructed upon the adjacent property owned by Grantor.

2. PUMP STATION & SEWER FORCE MAINS - Grantee, by acceptance of this Easement, hereby agrees to maintain the sewer force mains located within the Easement Area.

3. After any installation, construction, repair, replacement or removal of any utility lines or equipment as to which easement rights are granted, Grantee shall refill any holes or trenches in a proper and workmanlike manner to the condition existing prior to such installation, construction, repair, replacement or removal, but Grantee shall not be responsible for restoration of sod, landscaping, planting, pavement or other surface improvements which are required to be removed in connection with installation, construction, repair, replacement or removal of utility lines or equipment. To the extent permitted by law, however, Grantee shall be responsible for damage to improvements that are caused by Grantee's negligence.

4. This Grant of Easement shall inure to the benefit of and be binding of and be binding upon Grantee and its successors and assigns.

5. For the purposes of the terms and conditions of this Grant of Easement, "Grantor" means the owner from time to time of the Easement Area or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer and its corporate seals to be hereunto affixed as of the day and year first above written.

Exhibit "B" to Agreement – MSBU Resolution

Signed, sealed and delivered
In the presence of:

MOULTRIE CROSSING
HOMEOWNERS ASSN., INC.

Bud Rackell
Witness

By: Shaw Rowland

Bud Rackell
Print Name

Its: President

Lisa Rowland
Witness

Lisa Rowland
Print Name



State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 13th day of October, 2015, by Tanya Maje Liebal who is personally known to me or has produced as identification.

Tanya Liebal
Notary Public

Exhibit "B" to Agreement – MSBU Resolution

EXHIBIT "A" to Easement

EASEMENT AREA

Moultrie Crossing Lane and all of that certain parcel described as Tract "B", recorded in Map Book 52, Page 1-4 of the public records of St. Johns County, Florida.

Exhibit "B" to Agreement – MSBU Resolution



Exhibit "B" to Resolution
BILL OF SALE
UTILITY IMPROVEMENTS
for

Moultrie Crossing Existing Lift Station Dedication (MSBU)

Moultrie Crossing Homeowners Association Inc., 3942 A1A South, St Augustine, Florida 32080, (the "Seller") for and in consideration of the sum of Ten and No/100 Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers to **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, the following personal property:

"SEE EXHIBIT A SCHEDULE OF VALUES FOR Moultrie Crossing Existing Lift Station (MSBU)"

The Seller does, for itself and its successors and assigns, covenant to and with St. Johns County and its successors and assigns, that it is lawful owner of said personal property; that the personal property is free of all encumbrances; that it has good rights to sell the same; and that it will warrant and defend the sale of the personal property against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Seller has caused this instrument to be duly executed and delivered by its duly authorized office on this ___ of _____, 2016.

WITNESS:

OWNER:

Witness Signature

Owner's Signature

Print Witness Name

Print Owner's Name

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ who is personally known to me or has produced _____ as identification.

Notary Public

Exhibit "B" to Agreement -- MSBU Resolution



**St. Johns County Utility Department
Asset Management
Schedule of Values
Exhibit A**

Project Name: Moultrie Crossing Existing Lift Station (MSBU)
 Contractor: _____
 Developer: Moultrie Crossing HOA Inc.

	UNIT	QUANTITY	UNIT COST	TOTAL COST
Force Mains (Size, Type & Pipe Class)				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Sewer Valves (Size and Type)				
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
	Ea		\$ -	\$ -
Gravity Mains (Size, Type & Pipe Class)				
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
	LF		\$ -	\$ -
Laterals (Size and Type)				
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
	EA		\$ -	\$ -
Manholes (Size and Type)				
4-6 foot deep	EA		\$ -	\$ -
6-8 foot deep	EA		\$ -	\$ -
8-10 foot deep	EA		\$ -	\$ -
10-12 foot deep	EA		\$ -	\$ -
> 12 foot deep	EA		\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
Lift Station				
Mechanical Equipment	Lump Sum	1	\$ 2,666.67	\$ 2,666.67
Process Piping	Lump Sum	1	\$ 7,332.00	\$ 7,332.00
Process Structure	Lump Sum	1	\$ 10,766.67	\$ 10,766.67
Process Electrical Equipment	Lump Sum	1	\$ 1,600.00	\$ 1,600.00
Other Improvements	Lump Sum	1	\$ 14,279.80	\$ 14,279.80
			Total Sewer System Cost	\$ 36,645.14

Exhibit "B" to Agreement – MSBU Resolution

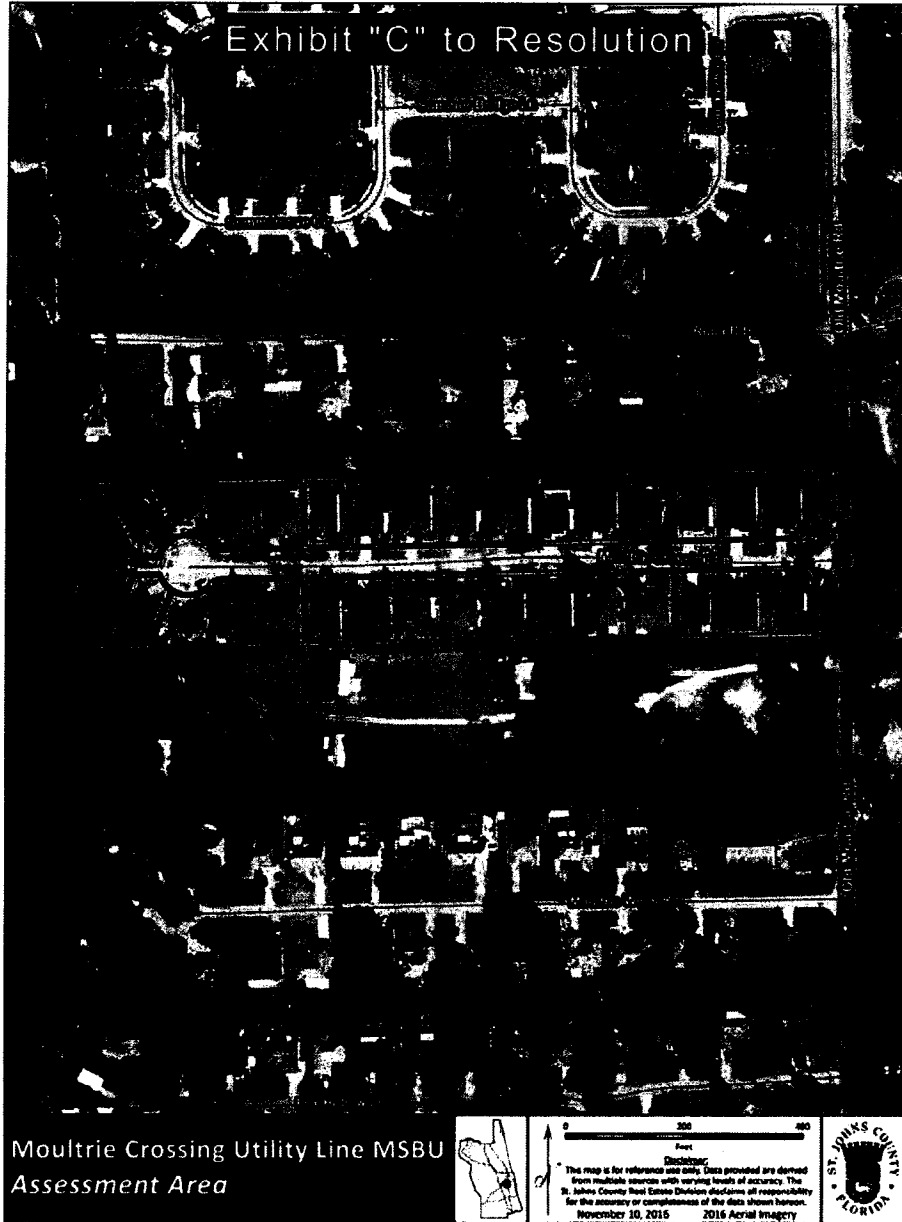


Exhibit "B" to Agreement – MSBU Resolution

Exhibit "D" to Resolution

List of Parcels in the Assessment Roll

Parcel Identification Number	Number of Assessment Units
135451 0010	1
135451 0020	1
135451 0030	1
135451 0040	1
135451 0050	1
135451 0060	1
135451 0070	1
135451 0080	1
135451 0090	1
135451 0100	1
135451 0110	1
135451 0120	1
135451 0130	1
135451 0140	1
135451 0150	1
135451 0160	1
135451 0170	1
135451 0180	1
135451 0190	1
135451 0200	1
135451 0210	1
135451 0220	1
135451 0230	1
135451 0240	1
135451 0250	1
135451 0260	1
135451 0270	1
135451 0280	1
135451 0290	1
135451 0300	1

THE ST. AUGUSTINE RECORD

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: 16986101A
P.O.#:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared Nicole CORZIVIAU

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida;

that the attached copy of advertisement being a **NOTICE OF FORECLOSURE**

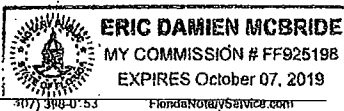
In the matter of **MOULTRIE ASSESSMT - MOULTRIE ASSESSMT**

was published in said newspaper on **10/25/2016, 11/01/2016, 11/08/2016**
11/15/2016

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 has 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/she 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 _____ day of NOV 15 2016

by Eric Damien McBride who is personally known to me
or who has produced as identification

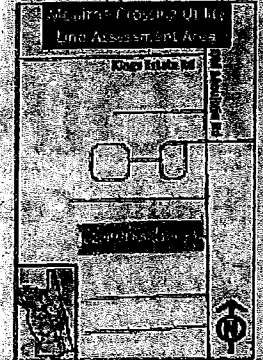


(Signature of Notary Public)

(Seal)

NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS
NOTICE IS HEREBY GIVEN BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, OF ITS INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF ASSESSMENTS WITHIN THE MOULTRIE CROSSING UTILITY LINE ASSESSMENT AREA PER FLORIDA STATUTES 197.3432.
NOTICE OF PUBLIC HEARING TO CONSIDER ADDING A RESOLUTION CREATING THE MOULTRIE CROSSING UTILITY LINE ASSESSMENT UNIT PURSUANT TO ST. JOHNS COUNTY ORDINANCE 2016-21.

NOTICE IS HEREBY GIVEN BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS OF ITS REGULAR MEETINGS ON TUESDAY, DECEMBER 6, 2016, AT 9:00 A.M. IN THE 500 SAN SEBASTIAN VIEW, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION RELATING TO CREATION OF THE MOULTRIE CROSSING UTILITY LINE ASSESSMENT UNIT FOR THE PURPOSE OF THE STATION REPLACEMENT AND ADOPTION OF SAID UNIT STATION BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT. THE HEARING WILL BE HELD AT THE ST. JOHNS COUNTY ADMINISTRATION BUILDING, 500 SAN SEBASTIAN VIEW, ST. AUGUSTINE, FLORIDA 32084. THE HEARING WILL BE HELD AT 9:00 A.M. ON TUESDAY, DECEMBER 6, 2016. THE BOARD OF COUNTY COMMISSIONERS WILL BE DESCRIBING THE PROPOSED UNIT TO BE LOCATED IN THE ASSESSMENT AREA, PROVIDING AN ESTIMATE OF THE CAPITAL COST, DESCRIBING THE METHOD OF APPORTIONING THE CAPITAL COST, DESCRIBING PROVISIONS FOR ACCELERATION AND PREPAYMENT OF THE ASSESSMENT, DESCRIBING PROVISIONS FOR FUTURE SUBDIVISION OF ASSESSED PARCELS, PROVIDING LEGISLATIVE FINDINGS RECOGNIZING THE FAIRNESS OF THE APPORTIONMENT METHOD, AND STATING THE ST. JOHNS COUNTY INTENT TO USE THE UNIFORM ASSESSMENT COLLECTION ACT (SETTING THE MAXIMUM AMOUNT OF THE ASSESSMENT), ESTABLISHING THE INITIAL ASSESSMENT ROLL, PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ANNUAL ASSESSMENT ROLL; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE ON BEHALF OF THE COUNTY, NECESSARY TO ACCOMPLISH THAT PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
The proposed assessment schedule is \$710 per assessment unit per year for ten (10) years. The proposed assessments will be collected by the St. Johns County Tax Collector on the ad valorem tax bill, as authorized by Section 193.16, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.



All affected property owners have a right to appear at the hearing and to file written objections prior to the hearing with the Board of County Commissioners by sending them to: Catherine Douglas, Assessor, 500 San Sebastian View, St. Augustine, Florida 32084.

If any person decides to appeal any decision made by the Board with respect to any matter considered at such hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF PERSONS NEEDING SPECIAL ACCOMMODATIONS AND STATE ASSISTANCE FOR IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in these proceedings should contact the ADA Coordinator at 904-205-2650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals, please contact Florida Relay Services at 1-800-955-8770 no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk
16986101A Oct 23, Nov 1, 6, 15, 2016