ADMINISTRATION

JUL 2 3 1997

RESOLUTION NO. 97-7.4

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, RELATING TO THE FUNDING OF THE MSBU BEACH NOURISHMENT PROJECT; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED STUART BEACH SOUTH BEACH NOURISHMENT MUNICIPAL SERVICE BENEFIT UNIT AND MSBU BEACH NOURISHMENT PROJECT CONSTRUCTED THEREIN; APPROVING THE COST OF THE MSBU BEACH NOURISHMENT PROJECT; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE MSBU BEACH NOURISHMENT PROJECT; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE MSBU BEACH NOURISHMENT PROJECT AGAINST THE REAL PROPERTY SPECIALLY BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE COUNTY ADMINISTRATOR TO PREPARE A TENTATIVE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED 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 MARTIN COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I

INTRODUCTION

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

"Assessment" means an annual special assessment imposed against property located within the MSBU in order to fund the Private Capital Cost of the MSBU Beach Nourishment Project, and related expenses, computed in the manner described in Section 3.06 hereof.

"Assessment Roll" means a non-ad valorem assessment roll which contains the base and rate information for the Assessment and which allocates the Assessment among each Tax Parcel within the MSBU that is subject to the Assessment.

"Board" means the Board of County Commissioners of Martin County, Florida.

"Condominium" means a condominium created by a declaration of condominium pursuant to Chapter 718, Florida Statutes.

"Condominium Common Area Parcel" means a Tax Parcel including one or more "common elements," as defined in Section 718.103, Florida Statutes.

"Condominium Unit Parcel" means a Tax Parcel constituting a Condominium "unit", as defined in Section 718.103, Florida Statutes.

"County" means Martin County, a political subdivision of the State of Florida.

"County Administrator" means the chief executive officer of the County, or such person's designee.

"Final Assessment Resolution" means the final assessment resolution described in Section 3.06 of the Ordinance which, among other things, imposes Assessments on the Tax Parcels within the MSBU which are described on the Assessment Roll.

"Fiscal Year" means the period commencing on October I 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.

"4-Mile Beach Nourishment Project" means that certain beach nourishment project completed in April 1996 to provide 40 year storm protection to certain beachfront properties on that portion of Hutchinson Island located in Martin County, Florida.

"Local Improvement" means a capital improvement constructed or installed by the County for the special benefit of a neighborhood, municipal benefit service unit, or other local area, for which special assessments are imposed pursuant to the Ordinance.

"MSBU" means the proposed Stuart Beach South Beach Nourishment Municipal Service Benefit Unit described in Appendix A hereto.

"MSBU Beach Nourishment Project" means that portion of the County's 4-Mile Beach Nourishment Project located within the boundaries of the MSBU.

"Ordinance" means Ordinance No. 96-493.

"Private Capital Cost" means all or any of the private contribution portion of the expenses that are properly attributable to (A) the design and construction of the MSBU Beach Nourishment Project, (B) the imposition and collection of the Assessments under generally accepted accounting principles; and (C) the reimbursement to the County for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Property Appraiser" means the Martin County Property Appraiser.

"State" means the State of Florida.

"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.

"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) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grant to a board of county commissioners all powers of local selfgovernment to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of county ordinances.

(B) The Board of County Commissioners of Martin County, Florida, has enacted the Ordinance to provide for the creation of municipal service benefit units and authorize the imposition of Assessments to fund the construction of Local Improvements to serve the property located therein.

(C) On June 8, 1993, the Board of County Commissioners of Martin County, Florida adopted a final assessment roll to provide funds for what the County determined should be the private contribution for the 4-mile Beach Nourishment Project, a beach nourishment project to provide 40 year storm protection to certain beachfront properties located on Hutchinson Island, including the properties within the MSBU. The 4-Mile Beach Nourishment Project was funded from several sources, including but not limited to, County ad-valorem revenues, federal funds and a private contribution amount determined by the County. The County determined the private contribution based on the "Economic and Fair Share Analysis" calculations performed by a consultant to the County in February, 1991.

(D) The final assessment roll adopted on June 8, 1993 imposed special assessments against the Tax Parcels listed thereon, including the Tax Parcels located within the MSBU. The special assessments were based upon a blended Assessment rate structure consisting of the sum of: (1) $43.61 per linear foot times the total number of linear feet that each such Tax Parcel has abutting the 4-Mile Beach Renourishment Project; plus (2) $272.07 per dwelling unit times (a) for vested properties, the actual number of approved dwelling units; or (b) for undeveloped property or limited commercial development property, the maximum allowable dwelling unit density.

(E) On July 26, 1994, the Board of County Commissioners of Martin County, Florida adopted a corrective resolution to the final assessment roll for the 4-Mile Beach Nourishment Project. The corrective resolution removed certain Tax Parcels, including the Tax Parcels located in the MSBU, from the final assessment roll adopted on June 8, 1993, to reflect a revision of the 4-Mile Beach Nourishment Project deleting areas believed by the United States Army Corps of Engineers to impact "Environmentally Sensitive Areas."

(F) On October 19, 1995, the County awarded a construction contract for the 4-Mile Beach Nourishment Project, as modified on July 26, 1994, to Great Lakes Dredge & Dock Company .

(G) It was subsequently determined that the rock formations parallel to the Tax Parcels within the MSBU were not an "Environmentally Sensitive Area." Consequently, the construction contract with Great Lakes Dredge & Dock Company was modified to include an option to extend the construction of the 4-Mile Beach Nourishment Project, as modified on July 26, 1994, to include the beachfront abutting within the MSBU.

(H) The County has proceeded with and has completed the construction of the 4-Mile Beach Nourishment Project, including the MSBU Beach Nourishment Project, and the County has advanced the Private Capital Cost of the MSBU Beach Nourishment Project. The County has now determined to impose the Assessment against property owners in the MSBU to reimburse itself for the Private Capital Cost of the MSBU Beach Nourishment Project. Such Assessments shall be based on the same blended rate that would have been imposed on the property located within the MSBU had it not been removed from the final assessment roll adopted by the County on June 8, 1993.

(I) The MSBU Beach Nourishment Project constitutes a Local Improvement, as defined in the Ordinance, and permits the County to provide protection against beach erosion caused by storms.

(J) The County desires to create the MSBU in order to reimburse itself for the private contribution portion of the MSBU Beach Nourishment Project that it has determined to be due from the property owners within the MSBU.

(K) Construction of the MSBU Beach Nourishment Project will provide a special benefit to the property located within the MSBU by providing protection against beach erosion caused by storms.

(L) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the private contribution portion of the cost of constructing the MSBU Beach Nourishment Project by fairly and reasonably allocating the cost to specially benefitted Tax Parcels within the MSBU.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. PRIVATE CAPITAL COST. The Private Capital Cost advanced by the County for the MSBU Beach Nourishment Project was $156,907.28 and will be reimbursed to the County through the imposition of Assessments against property located in the MSBU in the manner set forth in Article III hereof.

SECTION 2.02. ASSESSMENT ROLL. The County Administrator is hereby directed to prepare a final estimate of the Private Capital Cost of the MSBU Beach Nourishment Project and to prepare the preliminary Assessment Roll in the manner provided in the Ordinance. The County Administrator shall apportion the Private Capital Cost among the parcels of real property within the MSBU as reflected on the Tax Roll in conformity with Article III hereof. Any Tax Parcel for which the Assessment has been paid prior to the effective date hereof shall be excluded from the Assessment Roll. The estimate of the Private Capital Cost and the Assessment Roll shall be maintained on file in the offices of the County Administrator and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

SECTION 2.03. PUBLIC HEARING. A public hearing will be conducted by the Board at 1:30 p.m. on August 12, 1997, in the County Commission Chambers of the Martin County Administration Building at 2401 S.E. Monterey Road, Stuart, Florida, to consider imposition of the Assessments and their collection pursuant to the Uniform Assessment Collection Act.

SECTION 2.04. NOTICE BY PUBLICATION. Upon completion of the materials required by Section 2.02 hereof, the County Administrator shall publish a notice of the public hearing authorized by Section 2.03 hereof in the manner and at the time described in Section 3.04 of the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix B.

SECTION 2.05. NOTICE BY MAIL. Upon completion of the materials required by Section 2.02 hereof, the County Administrator shall, at the time and in the manner specified in Section 3.05 of the Ordinance, provide notice by first class mail of the public hearing authorized by Section 2.03 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix C.

ARTICLE III

ASSESSMENTS

SECTION 3.01. PROPOSED MSBU. The proposed Stuart Beach South Beach Nourishment Municipal Service Benefit Unit shall include the property described in Appendix A hereto. The MSBU is proposed for the purpose of improving the use and enjoyment of property located therein by funding the Private Capital Cost of the MSBU Beach Nourishment Project which will provide protection against beach erosion caused by storms.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against property located within the MSBU, the amount of which shall be computed in accordance with this Article III. When imposed, the Assessment shall constitute a lien upon the Tax Parcels located in the MSBU, pursuant to the Ordinance.

SECTION 3.03. COMPUTATION OF ASSESSMENT. It is hereby found and determined as follows:

(A) The County shall impose Assessments against each Tax Parcel located within the boundaries of the MSBU based on the same blended rate that would have been imposed on the property located within the MSBU had it not been removed from the final assessment roll adopted by the County on June 8, 1993. The Private Capital Cost chargeable against each Tax Parcel in the MSBU shall be equal to the sum of: (1) the amount computed by multiplying (a) $43.61 by (b) the total number of linear feet abutting the MSBU Beach Nourishment Project, and (2) the amount computed by multiplying (a)

$272.07 by (b) either (i) for vested properties, the actual number of approved dwelling units or (ii) for undeveloped property or limited commercial development property, the maximum allowable dwelling unit density. The total number of linear feet of any Condominium Common Area Parcel abutting the MSBU Beach Nourishment Project shall be attributed to the Condominium Unit Parcels by dividing the total number of linear feet by the total number of Condominium Unit Parcels.

(B) The Assessment methodology set forth in Subsection (A) above is consistent with the assessments imposed on June 8, 1993 against the Tax Parcels abutting the remainder of the County's 4-Mile Beach Nourishment Project and such Assessment methodology fairly allocates the Private Capital Cost of the MSBU Beach Nourishment Project among the Tax Parcels within the MSBU.

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act on the ad valorem tax bills to be mailed in November 1997..

SECTION 4.02. 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 4.03. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 8th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA

(SEAL)

By: M. L. Wilcox
Marshal L. Wilcox, Chairman

ATTEST:

Marsha Stiller by EKA
Marsha Stiller, Clerk

APPROVED AS TO FORM AND CORRECTNESS

By: Marian B. Fell
Asst County Attorney

APPENDIX A

DESCRIPTION OF MSBU

STUART BEACH SOUTH BEACH NOURISHMENT MUNICIPAL SERVICE BENEFIT UNIT

The Stuart Beach South Beach Nourishment Municipal Service Benefit Unit shall encompass the property referenced by the following parcel numbers on the Martin County ad valorem tax assessment roll as of the effective date of this Resolution:

31374200200101010100000
31374200200101020900000
31374200200101030700000
31374200200101040500000
31374200200101050200000
31374200200101060000000
31374200200101070900000
31374200200101080600000
31374200200101090400000
31374200200101100200000
31374200200102010900000
31374200200102020700000
31374200200102030500000
31374200200102040300000
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31374200200102060800000
31374200200102070600000
31374200200102080400000
31374200200102090200000
31374200200102100000000
31374200200103010700000
31374200200103020500000
31374200200103030300000
31374200200103040100000
31374200200103050800000
31374200200103070400000
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31374200200103080200000
31374200200103090000000
31374200200103100800000
31374200200104010500000
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APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published _____

[MAP OF 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 Martin County, Florida, will conduct a public hearing to consider creation of the Stuart Beach South Beach Nourishment Municipal Service Benefit Unit, as shown above, and to impose non-ad valorem assessments against certain parcels of property located therein. The hearing will be held at 1:30 p.m. on August 12, 1997, in the County Commission Chambers of the Martin County Administration Building at 2401 S.E. Monterey Road, Stuart, Florida. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Martin County Coastal Engineer at 407/288-5429 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 reimburse the County for the private contribution portion of the costs of a beach nourishment project within the MSBU. The assessment for each parcel of property will be based, in part, upon its frontage along the beach nourishment project and, in part, upon the number of dwelling units vested or otherwise permitted within the tax parcel. A more specific description is set forth in the Initial Assessment Resolution adopted by the County Commission on July 8, 1997. Copies of the Initial Assessment Resolution, the plans and specifications for the beach nourishment project and the preliminary assessment roll are available for inspection at the offices of the County Administrator and the Coastal Engineer, located at 2401 S.E. Monterey Road, Stuart, Florida.

Assessments will be included on the ad valorem tax bills to be mailed in November, 1997, 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.

If you have any questions, please contact Martin County Coastal Engineer at 407/288-5429.

MARTIN COUNTY, FLORIDA

APPENDIX C

FORM OF NOTICE TO BE MAILED

BOARD OF COUNTY COMMISSIONERS
COUNTY OF MARTIN -- STATE OF FLORIDA

MARTIN COUNTY COASTAL ENGINEERING DEPARTMENT

Don Donaldson
Coastal Engineer
Phone: 407/288-5429

Post Office Box ____
Stuart, Florida 34995-____

_______ __, 1997

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

Re: Parcel Control Number [Insert Number]
Stuart Beach South Beach Nourishment Municipal Service Benefit Unit

Dear Property Owner:

A municipal service benefit unit is being created to reimburse the County for moneys that it advanced to fund a portion of a beach nourishment project which benefits your property. The project, known as the Martin County 4-Mile Beach Nourishment Project, was completed in April 1996 and is intended to provide 40 year storm protection to certain beachfront properties in the County, including your property. Most of the costs of the 4-Mile Beach Nourishment Project were paid from state and federal grants and from other county funds, but a portion of such costs is also being paid by the owners of beachfront properties through the imposition of special assessments.

In 1993, a special assessment was proposed against your property for this purpose. However, before the assessments were imposed, your portion of the project was deleted because the United States Army Corps of Engineers determined that it would impact environmentally sensitive areas. This determination proved to be incorrect and the beach nourishment project was completed in your area. The County advanced the amount which would have been funded by special assessments in your area and now intends to impose the same special assessment in your area that was previously imposed against other property specially benefitted by the beach nourishment project.

The assessment for each parcel of property is based, in part, upon its frontage along the property benefitted by the beach nourishment and, in part, upon the number of dwelling units vested or otherwise permitted on each parcel of property. A more specific description of the assessment program is set forth in the Initial Assessment Resolution adopted by the County Commission on July 8, 1997. Copies of the Initial Assessment Resolution, the plans and specifications for the beach nourishment project, and the preliminary Assessment Roll are available for your review at the offices of the County Administrator and the Coastal Engineer, located at 2401 S.E. Monterey Road, Stuart, Florida. Information regarding the assessment for your specific property, including the frontage and land area, is attached to this letter.

The County intends to include this assessment on your ad valorem tax bill to be mailed on November, 1997. 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. on August 12, 1997, in the County Commission Chambers of the Martin County Administration Building at 2401 S.E. Monterey Road, Stuart, 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 hearing. You may also 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. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the Martin County Coastal Engineer at 407/288-5429 at least seven days prior to the date of the hearing.

A staff level workshop meeting to discuss and answer questions about the assessment program will be held on August 5, 1997 in the ________________________ __________, beginning at ________ p.m. If you have questions about the assessment program or wish to discuss any objections, please plan to attend.

Questions regarding your assessment and the process for collection may be directed to Don Donaldson at 407/288-5429.

MARTIN COUNTY COASTAL
ENGINEERING DEPARTMENT

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

Stuart Beach South Beach Nourishment Municipal Service Benefit Unit

[Property Owner Name]

Parcel Control Number [Insert Number]

Linear frontage*: [Insert Number]

Total dwelling units: [Insert Number]

Amount of Assessment: [Insert Amount]

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

* If your tax parcel is a condominium unit, the linear footage shown above is your proportionate share of the total condominium frontage.