RESOLUTION 15-61

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, APPROVING THE FISCAL YEAR 2015-2016 NON-AD VALOREM ASSESSMENT ROLLS FOR THE TIGERTAIL, SOUTH BARFIELD, NORTH BARFIELD, WEST WINTERBERRY, NORTH MARCO, OLD MARCO, PORT MARCO, LAMPLIGHTER, SHEFFIELD, KENDALL, MACKLE PARK, GULFPORT, EAST WINTERBERRY (NORTH), EAST WINTERBERRY (SOUTH), COPPERFIELD, GOLDENROD AND ESTATES ASSESSMENTS AREAS; APPROVING THE ASSESSMENT ROLL PERTAINING TO CERTAIN PROPERTY OWNERS WHO VOLUNTARILY ENTERED INTO DEFERRED PAYMENT AGREEMENTS IN ACCORDANCE WITH SECTION 2.04(B)(2) OF THE CITY RESOLUTION NO. 06-46; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLLS TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the City Council (the "Council") of the City of Marco Island, Florida (the "City") is adopted pursuant to the City Council No. 99-1 (as amended from time to time and codified in the City Code in Sections 2-281 through 2-379, the "Assessment Ordinance"), City Resolutions No.s 05-53, 05-54, 06-54, 06-55, 06-56, 06-57, 07-22, 07-23, 07-63, 07-64, 08-44, 08-45, 08-46, 09-35, 09-36 and 10-41 (collectively, the "Assessment Resolutions"), Chapter 197, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Annual Assessment Resolution for the Tigertail, South Barfield, North Barfield, West Winterberry, North Marco, Old Marco, Port Marco, Lamplighter, Sheffield, Kendall, Mackle Park, Gulfport, East Winterberry (North), East Winterberry (South), Copperfield, Goldenrod and Estates Assessment Areas. All capitalized terms in this Resolution shall have the meanings defined in the Assessment Ordinance and the Assessment Resolutions.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The Council adopted the Assessment Resolutions to provide for the construction of Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements within the respective Assessment Areas and the funding of such improvements through Assessments imposed upon the real property specially benefited thereby, and to approve the non-ad valorem assessment rolls for such assessment areas.

(B) Pursuant to Section 2-327 of the Assessment Ordinance, the Council is required to adopt an Annual Assessment Resolution approving the assessment rolls of each Fiscal Year.

(C) The Council wishes to hereby confirm and approve the non-ad-valorem assessment rolls for Tigertail, South Barfield, North Barfield, West Winterberry, North Marco, Old Marco, Port Marco, Lamplighter, Sheffield, Kendall, Mackle Park, Gulfport, East Winterberry (North), East Winterberry (South), Copperfield, Goldenrod and Estates Assessment Areas, previously approved by Resolutions Nos. 05-53, 05-54, 06-54, 06-55, 06-56, 06-57, 07-22, 07-23, 07-63, 07-64,

08-44, 08-45, 08-46, 09-35, 09-36 and 10-41, respectively, and to direct certification of the same to the Tax Collector for collection of the Assessments in November, 2015.

(D) The Council further wishes to herby confirm and approve the non-ad valorem assessment roll pertaining to the property owners who entered into Deferred Payment Agreements providing for voluntary assessment with equal payments over (20) years and who began such annual payment in November, 2007 as provided for in Section 2.04(B)(2) of the City Resolution No. 06-46.

(E) The Assessments are imposed by the Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

SECTION 4. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLLS

(A) The Fiscal Year 2015-2016 non-ad valorem assessment rolls for the Tigertail, South Barfield, North Barfield, West Winterberry, North Marco, Port Marco, Lamplighter, Sheffield, Kendall, Mackle Park, Gulfport, East Winterberry (North), East Winterberry (South), Copperfield, Goldenrod and Estates Assessment Areas, all of which are on file with the City Clerk and incorporated herein by reference, are hereby confirmed and approved.

(B) The Fiscal Year 2015-2016 non ad-valorem assessment roll pertaining to property owners who voluntarily entered into Deferred Payment Agreements in accordance with Section 2.04(B)(2) of City Resolution No. 06-46 and began annual payment of the Assessments in November, 2007, which roll is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved.

(C) The City Manager is hereby authorized and directed to certify the foregoing assessment rolls to the Tax Collector prior to September 15, 2015. The assessment rolls as delivered to the Tax Collector shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix A.

SECTION 5. SEVERABILITY. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affects the validity of the other provisions in this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption. **DULY ADOPTED** this 17th day of August 2015.

ATTEST

Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By:

Larry Sacher, Chairman

Approved as to Form:

Alan L. Gabriel, City Attorney

APPENDIX A – FORM OF CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Chairman of the City Councilor authorized agent of Marco Island, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the Marco Island Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements (the "Non-Ad Valorem Assessment Roll") is property assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Collier County Tax Collection by September 15, 2015.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Collier County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____ 2015.

MARCO ISLAND, FLORIDA

BY: _____
Authorized Agent