RESOLUTION NO. 10-28

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, APPROVING THE FISCAL YEAR 2010-11 NON-AD VALOREM ASSESSMENT ROLLS FOR THE TIGERTAIL, SOUTH BARFIELD, NORTH BARFIELD, WEST WINTERBERRY, NORTH MARCO, OLD MARCO, PORT MARCO, LAMPLIGHTER, SHEFFIELD, KENDALL AND MACKLE PARK 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 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 City Ordinance 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 Resolution Nos. 05-53, 05-54, 06-53, 06-54, 06-55, 06-56, 06-57, 07-22, 07-23, 07-63 and 07-64 (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 and Mackle Park 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 for each Fiscal Year.

(C) The Council wishes to hereby confirm and approve the non ad-valorem assessment rolls for the Tigertail, South Barfield, North Barfield, West Winterberry, North Marco, Old Marco, Port Marco, Lamplighter, Sheffield, Kendall and Mackle Park Assessment Areas, previously approved by Resolution Nos. 05-53, 05-54, 06-53, 06-54, 06-55, 06-56, 06-57, 07-22, 07-23, 07-63 and 07-64 respectively, and to direct certification of same to the Tax Collector for collection of the Assessments in November, 2010.

(D) The Council further wishes to hereby confirm and approve the non-ad valorem assessment roll pertaining to those property owners who entered into Deferred Payment Agreements providing for voluntary assessment with equal payments over twenty (20) years and who began such annual payment in November, 2007, as provided for in Section 2.04(B)(2) of 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 2010-11 non-ad valorem assessment rolls for the Tigertail, South Barfield, North Barfield, West Winterberry, North Marco, Old Marco, Port Marco, Lamplighter, Sheffield, Kendall and Mackle Park 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 2010-11 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, 2010. 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.

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SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 7th day of September, 2010.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

By: _____
Jerry Gibson, Vice-Chairman

(SEAL)

ATTEST:

_____
Laura M. Litzan, City Clerk

Approved as to Form:

_____
Alan L. Gabriel, City Attorney
Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.

~~APPENDIX A - FORM OF~~

CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Chairman of the City Council or 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 properly 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 Collector by September 15, 2010.

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 7th day of SEPTEMBER 2010.

MARCO ISLAND, FLORIDA

By: _____
Authorized Agent