

RESOLUTION NO. 09- 26

**A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR MORE THAN ONE YEAR LEVIED IN MARCO ISLAND, FLORIDA; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; 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 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 2-339, the "Assessment Ordinance"), Chapter 197, Florida Statutes, and other applicable provisions of law.

**SECTION 2. FINDINGS.**

(A) The City Council of Marco Island, Florida (the "Council") intends to use the uniform method for collecting non-ad valorem assessments for more than one year within the area encompassed by the City boundaries (the legal description of which is attached hereto as Exhibit A and incorporated herein), as authorized by Section 197.3632, Florida Statutes, which will allow such assessments to be collected annually, commencing in November 2010, in the same manner as provided for ad valorem taxes.

(B) The Council held a duly advertised public hearing for the purpose of considering the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit B.

**SECTION 3. UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS.**

(A) Commencing with the ad valorem tax bills issued in November, 2010, the City hereby announces its intention to use the uniform method of collecting non-ad valorem assessments for more than one year as authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing capital infrastructure necessary to advance the purposes of the City, including but not limited to, the provision of water and wastewater capital improvements. Such non-ad valorem assessments may be levied within all or a portion of the City boundaries.

(B) The City hereby determines that the levy of such assessments is needed to fund the cost of providing such capital infrastructure to property located within the City boundaries.

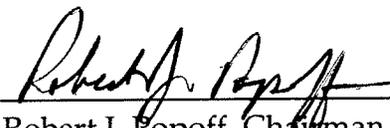
(C) Adoption of this Resolution is solely for the purpose of complying with the statutory requirements that the City publicly announce to the Florida Department of Revenue, the Collier County Property Appraiser, and the Collier County Tax Collector before January 1 that it may levy non-ad valorem assessments and use the uniform method of collection. Adoption of this Resolution shall not be deemed to commit or require the City to impose any assessments.

(D) Upon adoption, the City Manager, or his designee, is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Collier County Property Appraiser, and the Collier County Tax Collector by January 10, 2010.

**SECTION 4. CONSTRUCTION; EFFECTIVE DATE.** This Resolution shall be liberally construed to effect the purposes hereof and shall become effective immediately upon adoption.

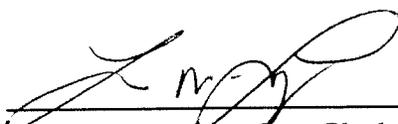
DULY ADOPTED this 31<sup>st</sup> day of August, 2009.

**CITY COUNCIL OF MARCO ISLAND,  
FLORIDA**

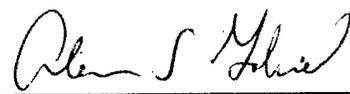
By:   
Robert J. Popoff, Chairman

(SEAL)

ATTEST:

  
Laura M. Litzan, City Clerk

Approved as to Form:

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

## EXHIBIT A

### LEGAL DESCRIPTION OF THE CITY

The entirety of lands within the city limits of the City of Marco Island, Florida, including with particularity the following:

A Corporate Line lying offshore from Marco Island, in portions of Township 52 South, Range 26 East, Collier County, Florida, which line is described as follows: From the corner common to Sections 17, 18, 19, and 20, Township 52 South, Range 26 East, run Westerly along the line common to said Sections 18 and 19 to a point 2,640 feet offshore in the Gulf of Mexico from the Mean High Tide Line Section 18 and the point of beginning. From said point of beginning, run Southerly 2,640 feet offshore from the Mean High Tide Line of Marco Island, past the Southerly point of said Island to the mouth of Caxambas Pass, thence run Northeasterly in the waters of Caxambas Pass to the center line of the channel of said Caxambas Pass; thence run Easterly along the centerline of the channel of Caxambas Pass, to a point intersecting a marked channel running Northerly towards Barfield Bay; thence run Northerly along the centerline of said channel to a point 300 feet offshore in Barfield Bay from the Mean High Tide Line of the Easterly end of lands formerly known as J. M. Barfield Subdivision, thence run Northerly, Easterly, and Southerly, 300 feet offshore in Barfield Bay from the Mean High Tide Line of Marco Island to intersection with the centerline of Blue Hill Creek; thence run Southeasterly along the centerline of Blue Hill Creek to a point 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island; thence continue Northerly, Easterly, and Southerly 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island to centerline of the aforementioned Blue Hill Creek, thence run Northeasterly along the centerline of Blue Hill Creek, but to a point intersecting the line common to Range 26 East and Range 27 East, Township 52 South, Collier County, Florida; thence run Northerly along the line common to said Range 26 and 27, but to a point intersecting the centerline of the channel of the Big Marco River, thence Northerly, Northwesterly, and Westerly along the centerline of the aforementioned Big Marco River and out through the marked Capri Pass, being 2,640 feet offshore from the Mean High Tide Line of Marco Island; thence run Southwesterly, Southerly, and Southeasterly 2,640 feet offshore from the Mean High Tide Line of Marco Island to the point of Beginning lying along the East-West line common to Sections 18 and 19, Township 52 South; Range 26 East.

Together with the following:

All that part of Township 52 South, Range 26 East, Collier County, Florida, being more particularly described as follows:

COMMENCING at the corner common to Sections 17, 18, 19, and 20, Township 52 South, Range 26 East, Collier County, Florida;

thence run Westerly along the line common to Sections 18 and 19 to an intersection with a line which lies 2,640 feet offshore in the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island;

thence run Southerly along a line which lies 2,640 feet offshore in the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island to the southerly point of

Marco Island at the mouth of Caxambas Pass and the POINT OF BEGINNING of the Annexation Parcel herein described;

thence run Northeasterly in the waters of Caxambas Pass to the center line of the channel of said Caxambas Pass;

thence run Easterly along the centerline of the channel of Caxambas Pass to a point intersecting a marked channel running Northerly towards Barfield Bay;

thence run Northerly along the centerline of said channel to a point 300 feet offshore in Barfield Bay from the Mean High Tide Line of the Easterly end of lands formerly known as J. M. Barfield Subdivision;

thence run Northerly, Easterly, and Southerly 300 feet offshore in Barfield Bay from the Mean High Tide Line of Marco Island to the intersection with the centerline of Blue Hill Creek;

thence run Southeasterly along the centerline of Blue Hill Creek to a point 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island;

thence continue Northerly, Easterly, and Southerly 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island to the centerline of aforementioned Blue Hill Creek;

thence run Northeasterly along the centerline of Blue Hill Creek to a point intersecting the line common to Range 26 East and Range 27 East, Township 52 South, Collier County, Florida;

thence run Southerly along the line common to said Range 26 East and Range 27 East to a line defined by the following two pairs of coordinates: N=571301.20 E=443476.15 and N=570492.74 E=441254.92;

thence run along said line S.70°00'00"W. to the Mean High Tide Line of Ramsey Key;

thence run southwesterly along said Mean High Tide Line of Ramsey Key to a line defined by the following two pairs of coordinates: N=569786.12 E=439722.64 and N=569346.13 E=439159.48;

thence run along said line S.52°00'00"W. to the Mean High Tide Line of Helen Key;

thence run Westerly and Southwesterly along said Mean High Tide Line of Helen Key to a line defined by the following two pairs of coordinates: N=568234.97 E=434316.36 and N=568623.84 E=432865.08;

thence run along said line N.75°00'00"W. to the Mean High Tide Line of Fred Key;

thence run Northwesterly and Westerly along said Mean High Tide Line of Fred Key to a line defined by the following two pairs of coordinates: N=569403.31 E=428843.50 and N=569403.31 E=427323.02;

thence run along said line N.90°00'00"W. to the Mean High Tide Line of Curry Island;

thence run Northwesterly along said Mean High Tide Line of Curry Island to a line defined by the following two pairs of coordinates: N=570231.46 E=425376.10 and N=570531.67 E=424255.68;

thence run along said line N.75°00'00"W. to the Mean High Tide Line of Allen Key;

thence run Northwesterly and Westerly along said Mean High Tide Line of Allen Key to a line defined by the following two pairs of coordinates: N=570787.53 E=422263.74 and N=570787.53 E=420743.25;

thence run along said line N.90°00'00"W. to the Mean High Tide Line of Kice Island;

thence run Northwesterly, Westerly and Southeasterly along said Mean High Tide Line of Kice Island to an intersection with a line which lies 2,640 feet offshore in Caxambas Pass and the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island;

thence run Westerly and Northwesterly along a line which lies 2,640 feet offshore in Caxambas Pass and the Gulf of Mexico and parallel with the Mean High Tide Line of Marco Island to the POINT OF BEGINNING of the Parcel herein described.

**EXHIBIT B**

**PROOF OF PUBLICATION**

Naples Daily News  
Naples, FL 34102

Affidavit of Publication  
Naples Daily News

CITY OF MARCO ISLAND  
FINANCE DEPARTMENT  
50 BALD EAGLE DR  
MARCO ISLAND FL 34145-3528

REFERENCE: 054361 BRYANT OLIVE MILLER  
59582566 CITY OF MARCO ISLAND

State of Florida  
County of Collier

Before the undersigned authority, personally appeared Susan Rogge, who on oath says that she serves as the Vice President of Finance of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached 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 this advertisement for publication in the said newspaper.

CITY OF MARCO ISLAND, FLORIDA  
NOTICE OF INTENT TO USE UNIFORM METHOD OF  
COLLECTING NON-AD VALOREM ASSESSMENTS

The City Council of Marco Island, Florida (the "Council"), hereby provides notice, pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem assessments for more than one year to be levied within the area encompassed by the City boundaries, for the cost of providing capital infrastructure necessary to advance the purposes of the City including, but not limited to, the provision of water and wastewater capital improvements. The Council will consider the adoption of a resolution electing to use the uniform method of collecting such assessments as authorized by Section 197.3632, Florida Statutes, at a public hearing to be held at 5:30 p.m. EST, August 3, 2009, at the Community Meeting Room, 51 Bald Eagle Drive, Marco Island, Florida 34145. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution are on file at Marco Island City Hall, 50 Bald Eagle Drive, Marco Island, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Council with respect to any matter relating to the consideration of the resolution at the referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990 and Section 285.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the City Clerk at (239) 389-5010 at least forty-eight (48) hours prior to the date of the public hearing.

City Council of Marco Island, Florida  
July 8, 15, 22, 29, 2009

No1806691

PUBLISHED ON: 07/08 07/08 07/15 07/15 07/22 07/22  
07/29 07/29

AD SPACE: 92 LINE  
FILED ON: 07/29/09

Signature of Affiant

*Susan M Rogge*

Sworn to and Subscribed before me this 30 day of July 2009

Personally known by me Chanel A McDonald



CHANEL A. McDONALD  
Commissioner DD 650475  
Expires June 29, 2011

Bonded Through Fidelity Insurance 800-365-7019



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In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in such public hearing should contact the City Clerk at (239) 389-5010 at least forty-eight (48) hours prior to the date of the public hearing.

City Council of Marco Island, Florida

Publish in the Naples Daily News on the following dates:

July 8, 2009

July 15, 2009

July 22, 2009

July 29, 2009

