

RESOLUTION NO. 08-47

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, EXPANDING THE BOUNDARIES OF THE MACKLE PARK ASSESSMENT AREA TO INCLUDE TEN ADDITIONAL TAX PARCELS; DETERMINING THAT SUCH ADDITIONAL TAX PARCELS WILL BE SPECIALLY BENEFITED BY THE WASTEWATER IMPROVEMENTS; RATIFYING AND CONFIRMING CITY RESOLUTION NOS. 07-57 AND 07-64 WHICH CREATED THE MACKLE PARK ASSESSMENT AREA AND PROVIDED FOR THE IMPOSITION OF SPECIAL ASSESSMENTS AGAINST REAL PROPERTY THEREIN; 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 2-379, the "Assessment Ordinance"), City Resolution Nos. 07-57 (the "Initial Assessment Resolution") and 07-64 (the "Final Assessment Resolution," and together with the Initial Assessment Resolution, the "Assessment Resolutions"), and other applicable provisions of law.

SECTION 2. DEFINITIONS. 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 that:

(A) The findings provided in Section 1.03 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) The Assessment Resolutions established the Mackle Park Assessment Area and imposed special assessments, sometimes referred to as non-ad valorem assessments, against real property located therein to provide funding for the construction of Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements.

(C) The Initial Assessment Resolution described the real property located within the Mackle Park Assessment Area and provided that the City Council may expand such Assessment Area to include additional property against which annual Assessments of the same amounts and terms described therein will be imposed.

(D) Since adoption of the Assessment Resolutions, it has been determined that ten Tax Parcels (the "Expansion Parcels") were inadvertently omitted from the Mackle Park Assessment Area. A description of the Expansion Parcels is attached hereto as Appendix A.

(E) As required by the terms of the Assessment Resolutions and the Assessment Ordinance, notice of a public hearing to consider the addition of the Expansion Parcels to the Mackle Park Assessment Area and the imposition of

Assessments against the Expansion Parcels has been published and mailed to each owner of the Expansion Parcels notifying such owners of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices B and C respectively.

(F) A public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by law.

(G) Assessments are hereby imposed upon the Expansion Parcels in the same amounts and under the same terms as provided for in the Assessment Resolutions, and the Mackle Park Assessment Area is amended as provided herein to include the Expansion Parcels.

(H) The legislative determinations contained in the Assessment Resolutions concerning (1) the special benefit to be conveyed by the Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements, and (2) the fairness and reasonableness of the apportionment methodology are hereby determined to apply to the Expansion Parcels.

**SECTION 4. EXPANSION OF MACKLE PARK ASSESSMENT AREA;
RATIFICATION AND CONFIRMATION OF THE ASSESSMENT RESOLUTIONS.**

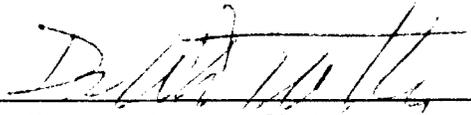
(A) The Mackle Park Assessment Area is hereby expanded to include the Expansion Parcels, and Appendix C of the Initial Assessment Resolution which describes the Mackle Park Assessment Area is hereby supplanted by Appendix D hereto.

(B) Except as otherwise provided herein, the Assessment Resolutions are ratified and confirmed and remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 3rd day of November, 2008.

**CITY COUNCIL OF MARCO ISLAND,
FLORIDA**

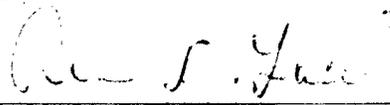
By: 
William D. Trotter, Chairman

(SEAL)

ATTEST:

Approved as to Form:


Laura M. Litzan, City Clerk
*3000 N. ...
... 2008*


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

APPENDIX A

EXPANSION PARCELS

Marco Beach Unit 8, Block 261, Lots 1-10 as recorded in Plat Book 6, Page 64 of the Public Records of Collier County, Florida.

APPENDIX B

PROOF OF PUBLICATION

APPENDIX C

AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) Camilla A. Augustine is Project Director of Ennead, LLC ("Ennead").

(2) On or before October 11, 2008, Ennead mailed notices in accordance with City Resolution No. 07-57, the Initial Assessment Resolution for the Mackle Park Assessment Area (the "Initial Assessment Resolution") and Section 2-325 of the Code of Ordinances of the City of Marco Island, Florida (the "Assessment Ordinance") by First Class Mail, to each owner of real property proposed for inclusion within the expanded Mackle Park Assessment Area (as defined in the Initial Assessment Resolution), informing such owners of a public hearing to consider inclusion of their property within the expanded Mackle Park Assessment Area and the right to be heard at the public hearing, as reflected on, and at the addresses then shown on, the real property assessment tax roll database maintained by the Collier County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(3) An exemplary form of such notice is attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

Camilla A. Augustine
Camilla A. Augustine, affiant

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 23rd day of October 2008, by Camilla A. Augustine. She is personally known to me or has produced DL as identification and did take an oath.



Heidi T. Campbell
Printed/Typed Name: HT Campbell
Notary Public-State of FL
Commission Expires: 4/23/2012

City of Marco Island
50 Bald Eagle Drive
Marco Island, Florida 34145



October 11, 2008

Notice of Public Hearing
Mackle Park Assessment Area
Re: Tax Parcel No. [REDACTED]

[REDACTED]
MARCO ISLAND, FL 34145-5027

Dear Property Owner:

Resolution Nos. 07-57 and 07-64 of the City of Marco Island, Florida (the "City") established the Mackle Park Assessment Area and imposed special assessments, sometimes referred to as non-ad valorem assessments, against real property located therein to provide funding for the construction of wastewater collection and wastewater treatment capacity improvements. Resolution No. 07-57 described the real property located within the Mackle Park Assessment Area and provided that the City Council may expand such assessment area to include additional property against which annual special assessments of the same amounts and terms described therein will be imposed.

Notice is hereby given that the City Council of the City of Marco Island will conduct a public hearing to consider and receive public comment upon the addition of several tax parcels, including the above-referenced tax parcel, to the previously established Mackle Park Assessment Area, the imposition of special assessments against such additional tax parcels to fund wastewater improvements in the same amounts and according to the same terms as provided for in Resolution Nos. 07-57 and 07-64, and collection of the assessments on the ad valorem tax bill. The hearing will be held at 5:30 PM on Monday, November 3, 2008, at the Community Room, 51 Bald Eagle Drive, Marco Island, Florida. You and all other affected property owners are invited to attend and participate in the public hearing and to file written objections with the City Council within twenty (20) days of this notice.

The total revenue to be collected by the City through non-ad valorem assessments within the Mackle Park Assessment Area is estimated to be \$ 13,732,076 together with other costs associated with financing and collection of the assessments. The assessment for each improved parcel of property will be based on the total number of equivalent residential connection units or ERCs as of the date the assessment is imposed. A more specific description of the assessment program including a description of the Mackle Park Assessment Area is included in Resolution Nos. 07-57 and 07-64, copies of which are available for your review at the offices of the City Clerk at 50 Bald Eagle Drive, Marco Island, Florida. Information regarding the assessment for your specific property, including the number of ERCs, is attached to this letter.

The City intends to issue obligations to finance this and other assessment projects. This will permit the cost attributable to your property to be amortized over a period of twenty (20) years. However, you may choose to prepay these special assessments and avoid the additional financing cost. If the assessments are imposed, you will receive a separate notice of the date and place for payments. If you do not choose to prepay your assessment, the amount necessary to pay your assessment in full will be increased by your share of the financing cost (closing costs, capitalized interest and reserve account). The City anticipates that the financing cost will increase the prepayment amount by 6.36%.



The annual assessment will include your share of the principal, interest, and amounts related to collection of the assessments. The maximum annual assessment is estimated to be \$1,669.83 per ERC for wastewater collection improvements and \$482.11 per ERC for wastewater treatment capacity improvements. However, the actual annual assessment cannot be determined until the obligations are issued. The City intends to include annual assessments on your ad valorem tax bill with the first payment on the bill to be mailed in November, 2010. Failure to pay your assessments will cause a tax certificate to be issued against the property that may result in a loss of title. As well, each assessment will be subject to mandatory prepayment of the balance due upon the transfer of title to your property.

You are hereby notified that connection of your property to the City's wastewater utility system is mandatory, that availability of the utility system to your property is estimated to occur in January, 2010, and that you will have 365 days from that date to connect your property to the system.

If you decide to appeal any decision made by the City Council 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 City Clerk at least forty-eight (48) hours prior to the date of the hearing.

CITY COUNCIL OF MARCO ISLAND, FLORIDA



Mackle Park Assessment Area

Owner: [REDACTED]
Parcel Number [REDACTED]
Property Address [REDACTED]

Total number of Collection ERCs attributed to property:	1.00	
Total number of Capacity ERCs attributed to property:	1.00	
Amount to make full payment before obligations are issued: (No post construction financing cost)		
Wastewater Collection Improvements	\$15,962.26	
Wastewater Treatment Capacity Improvements	<u>\$4,610.00</u>	
TOTAL		\$20,572.26
Prepayment amount after bonds are issued*: (Includes financing cost)		
Wastewater Collection Improvements	\$16,977.46	
Wastewater Treatment Capacity Improvements	<u>\$ 4,903.20</u>	
TOTAL		\$21,880.66
Number of annual payments:	20	
Maximum annual payment:		
Wastewater Collection Improvements	\$1,669.33	
Wastewater Treatment Capacity Improvements	<u>\$ 959.40</u>	
TOTAL		\$2,628.73

* This amount will be reduced after each annual payment.

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

EXHIBIT D

MACKLE PARK ASSESSMENT AREA

Marco Beach Unit 7, Block 205, Lots 28-36; Block 206, Lots 1-51; Block 207 Lots 1-42; Block 208, Lots 1-22; Block 213 Lot 1; Tract "D" as recorded in Plat Book 6, page 60 of the Public Records of Collier County, Florida.

Marco Beach Unit 7, Block 208 Lots 23-27; Block 209, Lots 1-30; Block 210, Lots 1-13; Block 213, Lots 2-11; Block 214, Lots 1-2 as recorded in Plat Book 6, Page 61 of the Public Records of Collier County, Florida.

Marco Beach Unit 7, Block 214, Lots 3-8; Block 211, Lots 1-9; Block 212, Lots 1-18; Block 215, Lots 1-7 as recorded in Plat Book 6, Page 62 of the Public Records of Collier County, Florida.

Marco Beach Unit 8, Block 261, Lots 1-10; Block 269, Lots 1-10; Block 274, Lots 3-13; Block 272 Lot 16, as recorded in Plat Book 6 Page 64 of the Public Records of Collier County, Florida.

Marco Beach Unit 8, Block 284, Lots 1-21; Block 285, Lots 1-15; Block 286, Lots 1-8; Block 287, Lots 1-8; Block 288, Lots 1-16; Block 289, Lots 1-16; Block 290, Lots 1-16; Block 291, Lots 1-13; Block 292, Lots 1-18; Block 293, Lots 1-16; Block 294, Lots 1-18; Block 295, Lots 24-26 as recorded in Plat Book 6 Page 65 of the Public Records of Collier County, Florida.

Marco Beach Unit 8, Block 275, Lots 9-24; Block 276, Lots 1-16, Block 277, Lots 20-47; Block 278, Lots 1-14; Block 279, Lots 1-34; Block 280, Lots 1-25 as recorded in Plat Book 6 Page 66 of the Public Records of Collier County, Florida.

Marco Beach Unit 8, Block 295, Lots 1-4, Lots 6-10 and 18-23; Block 296, Lots 1-11; Block 297, Lots 8-35 as recorded in Plat Book 6 Page 67 of the Public Records of Collier County, Florida.

Marco Beach Unit 8, Block 280, Lots 25-26; Block 281, Lots 1-18; Block 282, Lots 1-18; Block 283, Lots 1-18 as recorded in Plat Book 6 Page 68 of the Public Records of Collier County, Florida.

