

RESOLUTION NO. 07- 46

A RESOLUTION OF THE CITY COUNCIL OF MARCO ISLAND, FLORIDA, RELATING TO THE APPROVAL AND CERTIFICATION OF NON-AD VALOREM ASSESSMENT ROLLS; APPROVING AN ASSESSMENT ROLL FOR OWNERS OF CERTAIN PROPERTY WHO HAVE ENTERED INTO DEFERRED PAYMENT AGREEMENTS PROVIDING FOR IMPOSITION OF A CONSENSUAL SPECIAL ASSESSMENT UPON SUCH PROPERTY; CONFIRMING THE ASSESSMENT ROLLS FOR THE TIGERTAIL AND SOUTH BARFIELD ASSESSMENTS AREAS; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLLS TO THE COLLIER COUNTY TAX COLLECTOR; PROVIDING FOR NOTICE OF ASSESSMENTS; 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 Article VIII of the State Constitution, Chapters 166 and 197, Florida Statutes and other applicable provisions of law which provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, to perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law.

SECTION 2. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The Council adopted Resolution No. 06-46 on September 5, 2006 providing for additional and extraordinary payment alternatives for owners of real property subject to, or anticipated to be subject to, Assessments related to the City's septic tank replacement program and the provision of Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements (capitalized terms not otherwise defined herein shall have the meanings assigned in City Resolution No. 06-46).

(B) The Council subsequently adopted its Resolution No. 07-08, approving the form of a Deferred Payment Agreement by which eligible property owners could avail themselves of such additional and extraordinary payment alternatives.

(C) Certain owners of real property have elected to enter into Deferred Payment Agreements providing for imposition of a consensual Assessment upon the subject property and to begin payment of the Assessment commencing with the tax bill issued in November, 2007.

(D) Chapter 197, Florida Statutes, provides that local governments wishing to utilize the tax bill collection method must certify an assessment roll, sometimes referred to as a non-ad valorem assessment roll, to the tax collector by September 15.

(E) The Council wishes to hereby approve an assessment roll containing (1) the name of the property owners who entered into Deferred Payment Agreements and elected to begin payment of the Assessment commencing with the November, 2007 tax bill, (2) a description of the assessed property, and (3) the amount of the Assessment, and to direct the certification of such assessment roll to the Tax Collector for collection commencing in November, 2007.

(F) The Council further wishes to hereby confirm the assessment rolls for the Tigertail and South Barfield Assessment Areas, previously approved by Resolution Nos. 05-53 and 05-54 respectively, and to direct certification of same to the Tax Collector for collection commencing in November, 2007.

(G) 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 3. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLLS.

(A) The assessment roll for property owners who entered into Deferred Payment Agreements and elected to begin payment of the Assessment commencing with the November, 2007 tax bill, which roll is on file with the City Clerk and incorporated herein by reference, is hereby approved.

(B) The assessment roll for the Tigertail Assessment Area, which is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved.

(C) The assessment roll for the South Barfield Assessment Area, which is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved.

(D) The City Manager is hereby authorized and directed to certify the foregoing assessment rolls to the Tax Collector prior to September 15, 2007. 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 4. ASSESSMENT NOTICE. The City Manager is hereby directed to record a general notice of the Assessments for each of the assessment rolls

described above in the Official Records of Collier County. Such notices shall be in substantially the form attached hereto as Appendix B. The Assessment Rolls described herein shall be retained by the City Manager and shall be available for public inspection.

SECTION 5. SEVERABILITY.

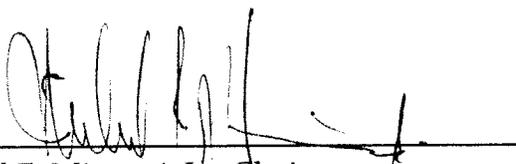
(A) If any clause, section, or other part of this resolution shall be held by any court of competent jurisdiction unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affects the validity of the other provisions in this resolution.

(B) This Resolution is not intended to, nor shall it be construed to, repeal or conflict with any prior or future City resolution or ordinance relating to any special assessment or the financing thereof.

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

DULY ADOPTED this 4th day of September, 2007.

**CITY COUNCIL OF MARCO ISLAND,
FLORIDA**

By: 
Michael F. Minozzi, Jr., Chairman

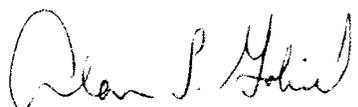
(SEAL)

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, 2007.

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 4th day of September 2007.

MARCO ISLAND, FLORIDA

By: 
Michael F. Minozzi, Jr., Chairman

APPENDIX B – ASSESSMENT NOTICES

NOTICE OF ASSESSMENTS FOR WASTEWATER IMPROVEMENTS
IMPOSED PURSUANT TO DEFERRED PAYMENT AGREEMENTS

On September 4, 2007, the City Council of Marco Island, Florida (the "City") adopted Resolution No. 07-46 which approved a non ad-valorem assessment roll and directed certification of such assessment roll to the Collier County Tax Collector for collection commencing with the November, 2007 tax bill. The assessment roll contains a description of the real property subject to the non-ad valorem assessment (sometimes referred to as a special assessment), the name and address of the owner(s) of such property, and the amount of the special assessment to be collected on the annual tax bill. The owners of the property listed on the assessment roll consented, for themselves, their successors and assigns, to the imposition of the assessment against their property by executing a Deferred Payment Agreement with the City. The assessments are being imposed to finance a portion of the wastewater improvements related to the City's Septic Tank Replacement Program. Additional information about the wastewater improvements, Septic Tank Replacement Program and the special assessments is available at www.cityofmarcoisland.com or by contacting the City Manager at 50 Bald Eagle Drive, Marco Island, FL 34145 or at (239) 389-5000. The assessment roll is on file with the City Manager and open to public inspection. A list of affected tax parcel numbers and property owners is attached as Exhibit A. The assessments will be collected each year for a maximum of twenty (20) years.

This notice is recorded to provide constructive notice of the levy and imposition of non-ad valorem assessments against the subject property.

The Council will adopt an annual assessment resolution for each fiscal year. Upon adoption of each annual assessment resolution, assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, City or municipal taxes and other non-ad valorem assessments. The lien shall be deemed perfected upon adoption of each annual assessment resolution and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes. This notice does not and shall not be construed to require that individual liens or releases be filed in the Official Records.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

By: [Signature]
Michael F. Minozzi, Jr., Chairman

(SEAL)

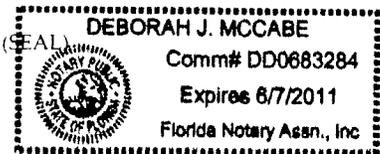
ATTEST:

[Signature]
Laura M. Litzan, City Clerk

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by Michael F. Minozzi, Jr., as Chairman of the City Council of Marco Island, Florida, who is personally known to me or has produced _____ as identification and who did/did not take an oath, this 10th day of September, 2007.

[Signature]
Printed/Typed Name: _____
Notary Public-State of _____
Commission Expires: _____



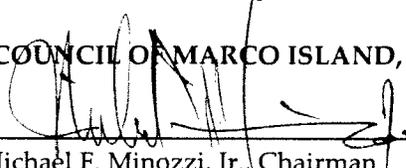
**NOTICE OF ASSESSMENTS FOR WASTEWATER IMPROVEMENTS
IN THE TIGERTAIL ASSESSMENT AREA**

On August 1, 2005, the City Council of Marco Island, Florida, adopted Resolution No. 05-53, which levied and imposed special assessments against property located within the Tigertail Assessment Area, described in Exhibit A attached hereto, to collect non-ad valorem assessments for Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements in an initial principal Capital Cost amount of \$20,107 per ERC necessary to finance a portion of the wastewater improvements being constructed within the City. Resolution No. 05-72 provided for the levy and imposition of such non-ad valorem assessments upon validation and issuance of obligations secured by the assessments. This notice has been filed upon validation and issuance of obligations secured by the assessments pursuant to Chapter 75, Florida Statutes. A list of the affected tax parcel numbers and property owners (as shown on the Collier County ad valorem tax assessment roll as of the effective date of Resolution No. 05-53) and the number of ERCs attributable to each parcel is available by contacting the City Manager at 50 Bald Eagle Drive, Marco Island, FL 34145 or at (239) 389-5000. Assessments will commence with the ad valorem tax bill to be mailed in November 2007. The method of computing the annual assessment for any parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number is set forth in Resolution No. 05-39. The assessment roll, which identifies the number of ERCs attributable to each parcel of property is on file with the City Manager and is open to public inspection. Additional information can be obtained on the internet at www.cityofmarcoisland.com. Exclusive of collection costs and any amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments, Resolution No. 05-39 established a maximum annual assessment each year for a maximum of twenty (20) years.

This notice is recorded to provide constructive notice of the levy and imposition of non-ad valorem assessments to landowners of property located within the Tigertail Assessment Area.

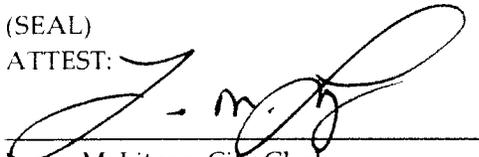
The Council will adopt an annual assessment resolution for each fiscal year. Upon adoption of each annual assessment resolution, assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, City or municipal taxes and other non-ad valorem assessments. The lien shall be deemed perfected upon adoption of each annual assessment resolution and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes. This notice does not and shall not be construed to require that individual liens or releases be filed in the Official Records.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

By: 
Michael F. Minozzi, Jr., Chairman

(SEAL)

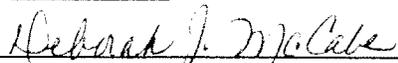
ATTEST:



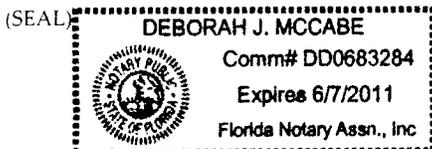
Laura M. Litzan, City Clerk

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by Michael F. Minozzi, Jr., as Chairman of the City Council of Marco Island, Florida, who is personally known to me or has produced _____ as identification and who did/did not take an oath, this 16th day of September, 2007.



Printed/Typed Name: _____
Notary Public-State of _____
Commission Expires: _____



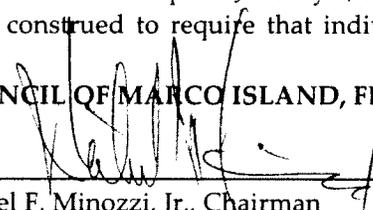
**NOTICE OF ASSESSMENTS FOR WASTEWATER IMPROVEMENTS
IN THE SOUTH BARFIELD ASSESSMENT AREA**

On August 1, 2005, the City Council of Marco Island, Florida, adopted Resolution No. 05-54, which levied and imposed special assessments against property located within the South Barfield Assessment Area, described in Exhibit A attached hereto, to collect non-ad valorem assessments for Wastewater Collection Improvements and Wastewater Treatment Capacity Improvements in an initial principal Capital Cost amount of \$18,140 per ERC necessary to finance a portion of the wastewater improvements being constructed within the City. Resolution No. 05-70 provided for the levy and imposition of such non-ad valorem assessments upon validation and issuance of obligations secured by the assessments. This notice has been filed upon validation and issuance of obligations secured by the assessments pursuant to Chapter 75, Florida Statutes. A list of the affected tax parcel numbers and property owners (as shown on the Collier County ad valorem tax assessment roll as of the effective date of Resolution No. 05-54) and the number of ERCs attributable to each parcel is available by contacting the City Manager at 50 Bald Eagle Drive, Marco Island, FL 34145 or at (239) 389-5000. Assessments will commence with the ad valorem tax bill to be mailed in November 2007. The method of computing the annual assessment for any parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number is set forth in Resolution No. 05-38. The assessment roll, which identifies the number of ERCs attributable to each parcel of property is on file with the City Manager and is open to public inspection. Additional information can be obtained on the internet at www.cityofmarcoisland.com. Exclusive of collection costs and any amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem of ad valorem taxes and non-ad valorem assessments, Resolution No. 05-38 established a maximum annual assessment each year year for a maximum of twenty (20) years.

This notice is recorded to provide constructive notice of the levy and imposition of non-adperty located within the South Barfield Assessment Area.

The Council will adopt an annual assessment resolution for each fiscal year. Upon adoption of each annual assessment resolution, assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, City or municipal taxes and other non-ad valorem assessments. The lien shall be deemed perfected upon adoption of each annual assessment resolution and shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes. This notice does not and shall not be construed to require that individual liens or releases be filed in the Official Records.

CITY COUNCIL OF MARCO ISLAND, FLORIDA

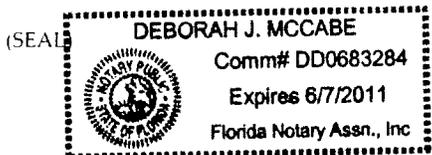
By: 
Michael F. Minozzi, Jr., Chairman

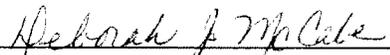
(SEAL)
ATTEST:

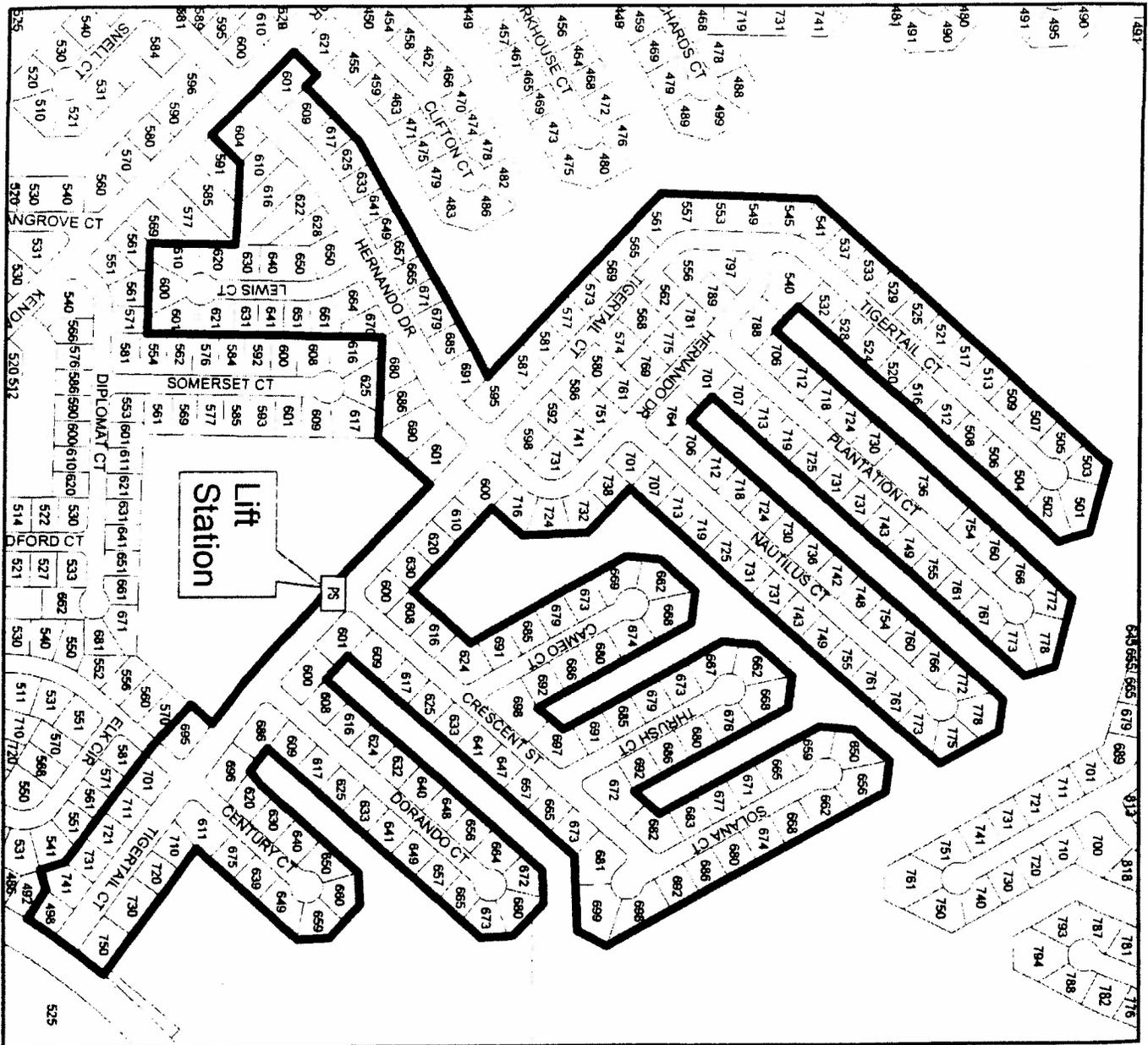

Laura M. Litzan, City Clerk

STATE OF FLORIDA
COUNTY OF COLLIER

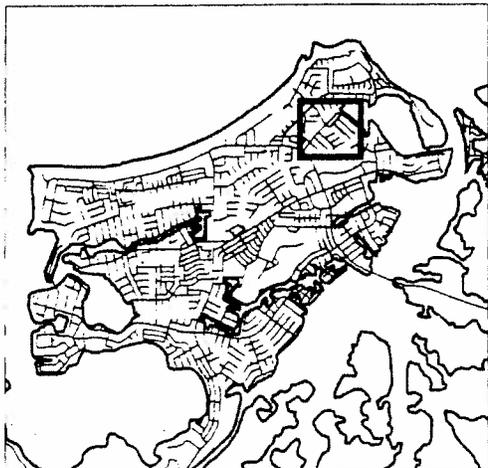
The foregoing instrument was acknowledged before me by Michael F. Minozzi, Jr., as Chairman of the City Council of Marco Island, Florida, who is personally known to me or has produced _____ as identification and who did/did not take an oath, this 16th day of September, 2007.




Printed/Typed Name: _____
Notary Public-State of _____
Commission Expires: _____

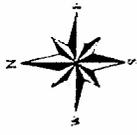


**TIGERTAIL
 SEWER
 DISTRICT**



City of Marco Island
 Community Development Department
 GIS Section
 50 Road Eagle Drive
 Marco Island, FL 34145
 (239) 306 5000

Map Reviewer: 07/15/2005
 Map Project: PublicWorksSewerS11TigertailSewers.mxd



S. BARFIELD COMMERCIAL SEWER DISTRICT



City of Marco Island
 Community Development Department
 GIS Section
 50 Palm Ledge Drive
 Marco Island, FL 34145
 (239) 399-5000

Map Revised 03/15/2005
 Map File: M:\gprojects\Pub\Works\Sewer\SMarcoBarfieldSewer.mxd

