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RESOLUTION
NUMBER 2013-036

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 2012-027 RELATING TO THE CONSTRUCTION OF AND CONNECTION TO WASTEWATER FACILITIES TO BE LOCATED WITHIN THE PROPOSED EAST AND WEST SPRING LAKE WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT (MSBU); INCLUDING DEVELOPED NON-RESIDENTIAL LOTS; PROVIDING FOR A REBATE PROGRAM AND METHODOLOGY; PROVIDING FOR AN INITIAL PREPAYMENT OPTION; PROVIDING TEMPORARY ASSISTANCE FOR FAILING OSTDS; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

WHEREAS, on April 24, 2012, the Board of County Commissioners of Charlotte County, Florida, (Board) adopted Resolution No. 2012-027 as the initial assessment resolution for the creation of the East and West Spring Lake Wastewater Municipal Service Benefit Unit (MSBU) providing for the construction of and connection to wastewater facilities; and

WHEREAS, the Board now desires to amend Resolution No. 2012-027 to include Developed Non-Residential Lots, to provide for a rebate program and methodology, to add an Initial Prepayment Option, and to provide temporary assistance for failing on-site sewage treatment and disposal systems (OSTDS) within the MSBU area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Resolution No. 2012-027 adopted on April 24, 2012, shall hereby be amended as follows:

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**ARTICLE I
DEFINITIONS AND CONSTRUCTION**

SECTION 1.01. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

Accrued Guaranteed Revenue Fees means the repayment of the carrying costs of facilities built or acquired in excess of those needed to serve current customers and held for future use by future customers.

Assessment means an annual non-ad valorem assessment imposed against property located within the MSBU to fund the project cost of Wastewater Facilities to serve the MSBU, the cost of System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees for developed properties and related expenses computed in the manner described in Section 3.03 and Section 3.04 hereof.

Assessment Roll means a non-ad valorem assessment roll relating to the project cost of Wastewater Facilities, cost of System Development Charges (connection fees), Accrued Guaranteed Revenue Fees and related expenses.

Board means the Board of County Commissioners of Charlotte County, Florida.

Capital Cost means as applied to any Wastewater Facilities all or any portion of the expenses that are properly attributable to the acquisition, design, construction, and installation (including demolition, environmental mitigation and relocation) of such facilities, including (a) the cost of physical construction, reconstruction or completion; (b) the costs of acquisition or purchase; (c) the cost of all labor, materials, machinery and equipment, including costs associated with the acquisition thereof; (d) the cost of all lands and interest therein, property rights, easements and franchises of any nature whatsoever that are not donated to the County, including costs associated with the acquisition thereof; (e) the cost

of any indemnity or surety bonds and premiums for insurance during construction; (f) the cost of construction plans and specifications, surveys and estimates of costs; (g) the cost of engineering, financial, legal and other consultant services associated with the acquisition and construction of the Wastewater Facilities; (h) the cost of engineering, financial, legal and other consultant services and any other cost associated with the structure, implementation and collection of Assessments; (i) reasonable contingencies for construction cost increases and change orders; and (j) all other costs and expenses properly attributable to such acquisition or construction, and such other expenses as may be necessary or incidental to any financing authorized by County Code Chapter 4-5 Article XVI, including a reasonable contingency amount; and including reimbursement to the County for any moneys heretofore or hereafter advanced in connection with any of the foregoing items of Capital Cost, and interest on any amounts advanced or borrowed by the County for such purpose.

Capital Cost ERU (Equivalent Residential Unit), means the standard unit to be used in calculating the non-ad valorem assessments, which shall be determined by an engineering estimate that each Parcel or classification of property is expected to generate relative to a typical single family residence. The specific method of determining the number of Capital Cost ERUs attributable to property located within each MSBU shall be set forth in the Initial Assessment Resolution and is set forth in Section 3.03 hereof.

Collection Cost means the estimated cost to be incurred by the County during any fiscal year in regards to the collection of assessments.

County means Charlotte County, a political subdivision of the State of Florida.

County Administrator means the chief executive officer of the County or his/her designee.

County Attorney means the chief legal officer of the County or his/her designee.

Developed Non-Residential Lot means a parcel of property in existence on the effective date of this Resolution, which has been developed for a non-residential use and a certificate of occupancy has been issued as of December 31, 20124.

Developed Residential Lot means a lot on which a dwelling unit (s) has been constructed and a certificate of occupancy has been issued as of December 31, 20124.

Duplex Residential Property means a single, freestanding, conventional building or a single lot, designed for two (2) dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.

Dwelling Unit means a building, or a portion thereof, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one single family residence only.

Final Assessment Resolution means the Resolution described in Section 4-5-387 of the County Code that imposes assessments within the MSBU.

Fiscal Year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

Funding Agreement means the agreement pursuant to which the County agrees to deliver the obligations against payment therefore by the purchaser or underwriter of such obligations.

Local Improvement means a capital improvement constructed or installed by the County for the special benefit of a property, for which non-ad valorem assessments may be imposed pursuant to the County Code.

Lot means a pParcel, tract or plot of ground contained within the property lines of a specific area as described by metes and bounds or by lot, block, section and subdivision identification as recorded in the public records of Charlotte County, Florida, including land within easements, but excluding land within any street, road or other right-of-way.

Lot "area" means the horizontal land area computed in square feet or acres.

Lot "corner and trapezoidal" means any lot situated at the intersection of two streets and abutting such streets on two adjacent sides; or a quadrilateral pParcel or lot having approximately two parallel and two nonparallel sides.

Mandatory Connection means developed properties within the MSBU that must connect to the wastewater system according to County Ordinances and Resolutions, and Florida State Regulations.

MSBU means East and West Spring Lake Wastewater Municipal Service Benefit Unit as described in Section 3.01 hereof.

Multi-family Residential Property means property that is in a zoning category on the effective date of the Final Assessment Resolution of RMF-3.5, RMF-5, RMF-7.5, RMF-10, RMF-12, RMF-15, MHP, or MHS.

Non-Residential Property means property that is not otherwise defined as Single Family Residential Property, Duplex Residential Property, or Multi-family Residential Property.

Obligation means the original obligations or refunding obligations.

Original Obligations means a series of bonds or other evidence of indebtedness including but not limited to notes, commercial paper, capital leases or any other obligations of the County issued or incurred to finance any portion of the capital cost of the wWastewater fFacilities, and secured, in whole or in part, by proceeds of the assessments.

On-site sewage treatment and disposal system (OSTDS) means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on the land of the owner or on other land to which the owner has the legal right to install a system.

Parcel means a lot, plot or tract of land.

Plat means a map representing and showing the boundaries and location of individual properties and streets, a map of a subdivision or site plan.

Premises means any lot, pParcel, plot or tract of land, together with any buildings or structures thereon.

Project Cost means (a) the capital cost of the wWastewater fFacilities; (b) the System Development Charges (connection fees) and the Accrued Guaranteed Revenue Fees for developed properties; (c) the transaction cost associated with the obligations attributable to the wWastewater fFacilities; (d) interest accruing on such obligations for such period of time as the County deems appropriate; (e) the debt service reserve fund or account, if any, established for the obligations attributable to the wWastewater fFacilities; and (f) any other costs or expenses related thereto.

Property Appraiser means the Charlotte County Property Appraiser.

Property Owner means current owner as recorded in the Charlotte County Tax Records.

Refunding Obligations means a series of bonds or other evidence of indebtedness including but not limited to notes, commercial paper, capital leases or any other obligations of the County issued or incurred to refund all or any portion of the original obligations or any indebtedness issued to refinance the original obligations.

Single Family Residential Property means property that is in a zoning category on the effective date of the Final Assessment Resolution of AE, RE-1, RE-2, RE-3, RE-4, RE-5, RSF-1, RSF-2, RSF-2.5, RSF-3.5, RSF-5 or MHC and which can support a single, freestanding, conventional building designed for one (1) dwelling unit and which could be used for occupancy by one (1) family.

Standard Single Family Lot means the size of an average parcel of land within the MSBU which has been determined to be greater than 5,000 square feet, but less than 14,500 square feet in area.

System Development Charges (Connection Fees) means an equitable and proportionate charge based on the number of Utility Development ERCs established at the time wastewater service is requested to cover the growth related capital cost of construction for master pumping stations, master force mains, treatment and effluent disposal facilities and collection system required to provide service to new connections to the wastewater system by new users.

Tax Collector means the Charlotte County Tax Collector.

Tax Parcel means a single pParcel or multiple parcels of properties to which the Property Appraiser has assigned a distinct property tax identification number.

Tax Roll means the real property ad valorem tax roll maintained by the Property Appraiser for the purpose of the levy and collection of taxes and non-ad valorem assessments.

Transaction Cost means the costs, fees, and expenses incurred by the County in connection with the issuance and sale of any series of obligations, including but not limited to (a) rating agency and other financing fees; (b) the fees and disbursements of bond counsel; (c) the underwriters' discount; (d) the fees and disbursements of the County's financial advisor; (e) the costs of preparing and printing the obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the obligations; (f) the fees payable in respect of any municipal bond insurance policy; (g) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (h) any other costs of a similar nature incurred in connection with issuance of such obligations.

Uniform Assessment Collection Act means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Unplatted Parcel means a pParcel of land that is not designated on a plat recorded in the County's official records.

Utility means Charlotte County Utilities or its authorized representative.

Utility Developer Agreement means a written agreement setting forth in detail the terms and conditions under which CCU will render service to a Developer's property, and setting forth the obligations and requirements of each party to the agreement.

Utility Development ERC (Equivalent Residential Connection), means a unit of potable water and wastewater treatment facilities necessary to deliver to a prospective consumer on a per average day as described in the level of service adopted in the Smart Charlotte 2050 Comprehensive Plan. All non-residential uses are converted to ERCs by dividing their respective demands by the units of capacity.

Vacant Property means a property that is not developed, deemed uninhabitable by the County, and/or a certificate of occupancy has not been issued for that property as of December 31, 20124.

Wastewater Facilities means the structures, equipment, and processes required to collect and carry away, treat domestic and industrial wastes and dispose of the effluent, including all collection piping, force mains, pumping stations, tanks, and all appurtenances. Wastewater fFacilities includes the on-site facilities and appurtenances required to connect the individual parcels of property to the wastewater system which has been developed and a certificate of occupancy has been issued as of December 31, 20124. For vacant properties, Wastewater Facilities includes the service piping only to the wastewater system point of connection at the property boundary.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms *hereof*, *hereby*, *herein*, *hereto*, *hereunder*, and similar terms refer to this Resolution; and the term *hereafter* means after, and the term *heretofore* means before, the effective date of this

Resolution. Words of any gender include the correlative words of the other gender unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grant to a Board of County Commissioners all powers of local self-government to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of county ordinances.

(B) Section 125.01 – (l) (k), Florida Statutes, provides specific legislative authorization for counties to provide and regulate sewage collection and disposal, water supply and conservation programs.

(C) Section 381.0065, Florida Statutes as amended, requires the owners of on-site sewage treatment and disposal systems to connect to an available publicly owned or investor-owned sewage system within a specified period of time after receiving written notification.

(D) The Charlotte Harbor National Estuary Program has published its Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed, entitled, "Committing to Our Future" which recommends that specific actions be implemented by the community in order to restore Charlotte Harbor, including the Board's adoption of Ordinance 2001-034 requiring residents to connect to the public sewer facilities when it becomes available, pursuant to state regulation.

(E) The Smart Charlotte 2050 Comprehensive Plan approved by the Board on July 20, 2010, which became effective on June 15, 2011, as amended from time to time,

in its Goals for the Utility - Policy 6.1 states that the Utility is to fulfill public health standards and meet the adopted level of services; and Potable Water Policy 4.1 states to protect existing and future potable water supplies, including the Peace River, its tributaries, and wellhead and well field locations; and the Sewer Expansion Policy 6.1.2 states the Utility shall develop a cost-effective sewer expansion program consistent with the Goals, Objectives, and Policies of the Plan with the intent of reducing the impact of pollutants on the natural environment and preserving groundwater quality; including the Wastewater Recycling and Reuse Policy 4.2.1 providing the County shall encourage utilities to develop facilities and programs for recycling treated wastewater and to promote water reuse through methods such as irrigation.

(F) The Board has enacted Part IV of the County Code to provide for the creation of Municipal Service Benefit Units and authorize the imposition of assessments to fund the construction of Local Improvements to serve the properties located therein.

(G) The ~~w~~Wastewater ~~f~~Facilities constitute a Local Improvement as defined herein, which permits the County to provide wastewater treatment services to properties located in the MSBU.

(H) The Board desires to create the MSBU for the purpose of constructing ~~w~~Wastewater ~~f~~Facilities to serve all properties within the boundaries of the MSBU and to connect all developed properties to the facilities that have been issued a certificate of occupancy through and including December 31, 2012~~4~~.

(I) The Board finds that the construction of and connection to the ~~w~~Wastewater ~~f~~Facilities will provide a special benefit to the properties by providing access to wastewater treatment services.

(J) The payment of the System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees are necessary to connect all developed properties to the ~~w~~Wastewater ~~f~~Facilities that have been issued a certificate of occupancy as of December 31, 201~~2~~4. Vacant properties that are not developed and have not received a certificate of occupancy as of December 31, 201~~2~~4, shall not be assessed System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees. The System Development Charges (connection fees), Accrued Guaranteed Revenue Fees and any applicable onsite infrastructure construction costs shall be paid to the Utility upon development of that vacant property and a certificate of occupancy has been issued.

(K) In accordance with County policy, those properties for which, as of the adoption of this Resolution, the publicly owned ~~w~~Wastewater ~~f~~Facilities ~~are~~ are already available, shall not be assessed.

(L) The Board finds that it is fair and equitable to allocate the project cost, including capital cost and costs of System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees to the properties within the MSBU based upon the number of Capital Cost ERUs and Utility Development ERCs attributable to each property as described in Sections 3.03 and 3.04 hereof.

(M) In consideration of construction of ~~w~~Wastewater ~~f~~Facilities, ~~p~~Property ~~e~~Owners shall ~~grant to Utility, temporary easements~~ allow temporary access providing a means of ingress and egress for the purpose of constructing ~~w~~Wastewater ~~f~~Facilities, and to remove and/or abandon the on-site treatment and disposal systems, and to make connections on private properties to said wastewater system. The disturbed portion of private property will be restored to equal or better condition at completion of

~~construction project.~~ Said temporary ~~accesseasement(s)~~ will include the necessary right of ingress and egress to any part of the property upon which Utility is constructing or operating such Wastewater fFacilities; ~~the foregoing grants shall be for such rights, privileges or temporary easements in the construction.~~ The use of ~~tTemporary~~ accesseasements granted by ~~pProperty~~ eOwner to Utility shall not convey any rights to anyone for cable television, telephone, and electric or gas utilities, unless otherwise agreed to by Utility.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. CAPITAL COST. The project cost of the ~~wWastewater fFacilities~~ will be funded through the imposition of assessments against property located in the MSBU in the manner set forth in Article III hereof.

SECTION 2.02. ESTIMATED SYSTEM DEVELOPMENT CHARGES (CONNECTION FEES) AND ACCRUED GUARANTEED REVENUE FEES. The estimated System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees are determined on a per Utility Development ERC basis in accordance with the existing Rate Resolution in effect on April 1, 2012. The System Development Charge (connection fees) and Accrued Guaranteed Revenue Fees will be funded through the imposition of assessments against developed ~~residential~~ properties located in the MSBU in the manner set forth in Article III hereof.

SECTION 2.03. ASSESSMENT ROLL. The County Administrator is hereby directed to prepare a final estimate of the capital cost and the cost of the System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees for the ~~wWastewater fFacilities~~ and to prepare the preliminary assessment roll in the manner provided herein and

in the County Code. The County Administrator shall apportion the project cost among the parcels of real property within the MSBU as reflected on the assessment roll in conformity with Article III hereof. The estimate of capital cost, cost of System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees, and the assessment roll shall be maintained on file in the offices of the County Administrator and open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the assessment for each tax parcel can be determined by use of a computer terminal available to the public.

SECTION 2.04. PUBLIC HEARING. A public hearing will be conducted by the Board in the County Commission Chambers of the Charlotte County Administration Building at 18500 Murdock Circle, Port Charlotte, Florida or other location as designated by the Board, to consider (a) creation of the MSBU; (b) imposition of the assessments; and (c) collection of the assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.05. NOTICE BY PUBLICATION. Upon completion of the materials required by Section 2.03 hereof, the County shall publish a notice of the public hearing authorized by Section 2.04 hereof in the manner and the time provided in Section 4-5-385 of the County Code.

SECTION 2.06. NOTICE BY MAIL. Upon completion of the materials required by Section 2.03 hereof, the County shall, at the time and in the manner specified in Section 4-5-386 of the County Code, provide first class mailed notice of the public hearing authorized by Section 2.04 hereof to each parcel owner to be assessed at the address indicated on the Tax Roll.

**ARTICLE III
ASSESSMENTS**

SECTION 3.01. DESCRIPTION AND PURPOSE OF MSBU. The East and West Spring Lake Wastewater MSBU shall include the property shown in Appendix A attached hereto. The MSBU is created for the purpose of improving the use and enjoyment of all properties located therein by constructing and connecting to the ~~w~~Wastewater ~~f~~Facilities to provide access to wastewater treatment services.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against properties located within the MSBU for each fiscal year in which the obligations remain outstanding, the amount of which shall be computed in accordance with this Article III. When imposed, the assessment for each fiscal year shall constitute a lien upon the tax ~~p~~Parcels located in the MSBU pursuant to the County Code.

(A) The number of Capital Cost ERUs to be assessed for capital costs and/or infra-structure improvements shall be assessed on the annual tax bill beginning November 20132, and continue until paid in full.

(B) The number of Utility Development ERCs to be assessed for the costs of System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees shall be assessed on the annual tax bill beginning November 20132, and continue until paid in full.

SECTION 3.03. CAPITAL COST ERUs. The number of Capital Cost ERUs attributable for infrastructure improvements to each property within the MSBU shall be determined in the manner set forth in this Section 3.03.

(A) CAPITAL COST ERUs.

(1) Single Family Residential, Multi-Family Residential Parcels and Non-Residential Parcels.

a. Each Lot or parcel zoned single family residential, multi-family residential and non-residential shall be assessed that number of Capital Cost ERUs as defined by the following table:

| Table 1: Capital Cost ERU Calculations | |
|--|---|
| Land Area of Property in MSBU | Capital Cost ERUs to be Assessed |
| Less than or equal to 5,000 square feet | 0.5 |
| Greater than 5,000 square feet but less than 14,500 square feet | 1 |
| Greater than or equal to 14,500 square feet but less than 19,500 square feet | 1.5 |
| Greater than or equal to 19,500 but less than 24,500 square feet | 2 |
| Greater than or equal to 24,500 but less than 29,500 square feet | 2.5 |
| Greater than or equal to 29,500 but less than 34,500 square feet | 3 |
| Greater than or equal to 34,500 but less than 39,500 square feet | 3.5 |
| Greater than or equal to 39,500 but less than 44,500 square feet | 4 |
| Greater than or equal to 44,500 but less than 49,500 square feet | 4.5 |
| Continue same methodology on properties with greater areas of land. | |

b. Each corner or trapezoidal lot zoned Single Family Residential where only one dwelling unit is permitted according to County zoning shall be assigned one (1) Capital Cost ERU.

(2) Exceptions.

a. Any property with a County conservation easement prohibiting development of the property in perpetuity that has been recorded in the Official Records of The Clerk of Circuit Court of Charlotte County, Florida as of the date of the adoption of this Resolution shall not be assessed Capital Cost ERUs.

b. Any parcel of property owned by the Federal government or the State of Florida shall not be assessed Capital Cost ERUs as of the date of this Resolution.

c. The Utilities Director, or his/her designee, in response to the presentation of unique, exceptional or extraordinary circumstances, where strict application of the above method of determination would create a practical difficulty or an undue hardship, as distinguished from a mere inconvenience, may determine the appropriate number of Capital Cost ERUs for a particular parcel on a case by case basis in the interests of fairness and administrative ease.

SECTION 3.04 UTILITY DEVELOPMENT ERCs. The number of Utility Development ERCs attributable for connection to facilities to each property within the MSBU shall be determined in the manner set forth in this Section 3.04.

A. UTILITY DEVELOPMENT ERCs.

(1) Single Family Residential Properties with One (1) Dwelling Unit.

One (1) Utility Development ERC shall be assessed for each developed residential property where a certificate of occupancy has been issued for one dwelling unit or where a certificate of occupancy has been issued through and including December 31, 20124.

(2) Duplex Residential Properties with Two (2) Dwelling Units. Two (2) Utility Development ERCs shall be assessed for each developed residential property where a certificate of occupancy has been issued for each property developed as a duplex dwelling unit or where a certificate of occupancy has been issued through and including December 31, 20124.

(3) Developed Non-Residential Parcels. These Parcels do not constitute a homogeneous classification of property for purposes of the Assessment in this MSBU and therefore ERCs will be assigned to each Developed Non-Residential Parcel on the basis of occupancy type using Table 6-4 "Schedule of Daily Related Gallonage for Various Occupancies" as stated in CCU's current rate resolution. The ERCs will be assigned by dividing the associated daily potable water gallonage amount calculated to be used by each Developed Non-Residential Parcel by 225 gallons per day (because all are affected properties based on entities being existing water customers) as stated in CCU's Uniform Extension Policy as adopted through Resolution No. 2007-022 on January 23, 2007; provided however, that a minimum of one (1) ERC will be assigned to any Developed Non-Residential Parcel.

(4) Developed Non-Residential Parcels for which the current classification or use is Single Family Residential. Such Parcels shall be assessed as a Developed Residential Lot.

(5) Exceptions.

a. Any property with a County conservation easement prohibiting development of the property in perpetuity that has been recorded in the Official Records of The Clerk of Circuit Court of Charlotte County, Florida as of the date of the adoption of this Resolution shall not be assessed Utility Development ERCs.

b. Any pParcel of property owned by the Federal government, the State of Florida, or the Charlotte County School Board may be exempt from some or all of the charges and fees.

~~c. Any Residential Properties with more than two (2) Dwelling Units, Non-Residential Properties, and Multi-family Properties shall not be assessed System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees. The System Development Charges (connection fees), Accrued Guaranteed Revenue Fees, and any applicable onsite infrastructure construction costs shall be paid to the Utility based on a Utility Development Agreement with the property owner to be executed on or before connection to the Wastewater Facilities.~~ d. The Utilities Director, or his/her designee, in response to the presentation of unique, exceptional or extraordinary circumstances, where strict application of the above method of determination would create a practical difficulty or an undue hardship, as distinguished from a mere inconvenience, may determine the appropriate number of Utility Development ERCs for a particular pParcel on a case by case basis in the interests of fairness and administrative ease.

SECTION 3.05. PREPAYMENT AMOUNTS. ~~Prepayments will not be permitted or accepted for the 2012-2013 fiscal year. However, in ensuing fiscal years, prepayments will be accepted, at the discretion of the County, using the following method.~~

~~(A) Beginning with the 2013-2014 fiscal year, and following issuance of the Original Obligations for the estimated Capital Cost of the Wastewater Collection Facilities, an Adjusted Prepayment Amount for each Tax Parcel shall be established and computed by multiplying (1) the amount computed by dividing (a) the Prepayment Amount established herein for such Tax Parcel by (b) the sum of (i) the aggregate Prepayment Amounts for all Tax Parcels within the MSBU and (ii) the aggregate comparable prepayment amounts computed for all Tax Parcels against which a special assessment has been imposed to finance other Local Improvements funded from proceeds of the Original Obligations by (2) the principal amount of the Original Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually as provided in Section 3.06(l) hereof.~~

~~(B) Following issuance of any Refunding Obligations, a new Adjusted Prepayment Amount for each Tax Parcel shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of (i) the aggregate Adjusted Prepayment Amounts for all Tax Parcels within the MSBU and (ii) the aggregate comparable prepayment amounts computed for all Tax Parcels against which a special assessment has been imposed to finance other Local Improvements funded from proceeds of the Obligations being refunded by (2) the principal amount of such Refunding Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually as provided in Section 3.06(l) hereof~~

REBATE PROGRAM AND METHODOLOGY. In order to reimburse Property Owners for costs associated with substantial outlay of dollars to install or replace the drainfield and/or septic tank on or after January 1, 2004~~7~~ and up to and including September 30, 2013, a \$500,000 rebate program has been established. All rebates will be reviewed

and approved for the program by the Utilities Director (subject to availability of funds) using the following method:

(A) Only current Property Owners of record as of October 1 drainfields and/or septic tanks installed or replaced between January 1, 2004 and September 30, 2013 are eligible for the program. Drainfields and/or septic tanks installed or replaced after September 30, 2013 will not be eligible for the program. For any new building construction in the MSBU after September 30, 2013, County will communicate with such Property Owners and keep them informed of upcoming availability dates for the Wastewater Facilities so said Property Owners, if they so desire, can coordinate their building schedules so as to eliminate the need for a new OSTDS prior to availability of Wastewater Facilities.

(B) Rebate will be based on a prorata percentage of actual average costs incurred for installation or replacement of a drainfield, up to a maximum of \$6500; for installation or replacement of a septic tank, up to a maximum of \$3500; or a maximum of \$10,000 for or a combined drainfield and septic tank installation or replacement. There will only be one Septic Tank Rebate and one Drainfield Rebate per Lot.

(C) Original invoice and A copy of the Department of Health permit must accompany a completed CCU Rebate Request Form for East and West Spring Lake and must be submitted no later than January 31, 2014. Rebate Request Forms will only be accepted from current Property Owners.

(D) Rebate will be sent to current Property Owner within 90 days of approval, less any CCU liens on that property.

(E) Amount of rebate will be as reflected in the table below.

| <u>Date of Installation or Replacement</u> | <u>Septic Tank Rebate</u> | <u>Drainfield Rebate</u> | <u>Combination Rebate</u> |
|---|-------------------------------|------------------------------|-------------------------------|
| <u>January 1, 2013 - September 30, 2013</u> | <u>\$1800</u> | <u>\$4667</u> | <u>\$6467</u> |
| <u>January 1, 2012 - December 31, 2012</u> | <u>\$1569</u> | <u>\$4134</u> | <u>\$5703</u> |
| <u>January 1, 2011 - December 31, 2011</u> | <u>\$1349</u> | <u>\$3616</u> | <u>\$4965</u> |
| <u>January 1, 2010 - December 31, 2010</u> | <u>\$1141</u> | <u>\$3113</u> | <u>\$4254</u> |
| <u>January 1, 2009 - December 31, 2009</u> | <u>\$944</u> | <u>\$2624</u> | <u>\$3568</u> |
| <u>January 1, 2008 - December 31, 2008</u> | <u>\$758</u> | <u>\$2150</u> | <u>\$2908</u> |
| <u>January 1, 2007 - December 31, 2007</u> | <u>\$584</u> | <u>\$1691</u> | <u>\$2275</u> |
| <u>January 1, 2006 - December 31, 2006</u> | <u>\$421</u> | <u>\$1246</u> | <u>\$1667</u> |
| <u>January 1, 2005 - December 31, 2005</u> | <u>\$269</u> | <u>\$816</u> | <u>\$1085</u> |
| <u>January 1, 2004 - December 31, 2004</u> | <u>\$129</u> | <u>\$401</u> | <u>\$530</u> |

SECTION 3.06. COMPUTATION OF ASSESSMENTS. Assessments will be imposed for each Fiscal Year in which Obligations remain outstanding and collected on the ad valorem tax bill in the manner authorized by the Uniform Assessment Collection Act, except as provided for in Section 4.01 hereof. The annual Assessment shall be computed for each Tax Parcel in the manner set forth in this Section.

(A) DEBT SERVICE AMOUNT. A Debt Service Amount shall be computed for each Fiscal Year as the amount which would be payable in respect of the Obligations in accordance with a debt service schedule prepared under the following assumptions: (1) the principal installments equal those established in the Funding Agreement, and (2) the Obligations bear interest at a rate one full percentage point in excess of the actual rates; provided, however, that the Debt Service Amount for any Fiscal Year shall not exceed the principal amount of Obligations then outstanding plus interest thereon at rates one full percentage point in excess of the actual rates. INFRASTRUCTURE ASSESSMENT PER ERU. The initial non-ad valorem assessment amount for infrastructure per ERU will be calculated by using the estimated Capital Cost and dividing it by the total number of Capital

Cost ERUs. If there is a difference in cost associated between developed properties and Vacant Properties, the cost per ERU will be calculated separately using Capital Costs and ERUs associated with each property type. After all infrastructure improvements are completed, all actual costs have been paid, and debt, if necessary, finalized, then the assessment per ERU cost will be recalculated and either (1) the ERU assessments will decrease or increase (with any such increase approved by the Board); or (2) the number of years of the assessments will be adjusted to pay all obligations. The cost will be determined by multiplying the per ERU cost by the number of ERUs attributable to the Tax Parcel.

(B) SYSTEM DEVELOPMENT CHARGES (CONNECTION FEES) PER ERC.

The cost per ERC will be the connection fees contained in the current CCU rate resolution plus Tax Collector fees and all other fees associated with the collection through the assessment process. The cost will be determined by multiplying the cost per ERC by the number of ERCs attributable to the Tax Parcel.~~PREPAYMENT MODIFICATION FACTOR.~~

~~A Prepayment Modification Factor shall be computed for each Fiscal Year by dividing (1) the amount computed by subtracting (a) the sum of the Adjusted Prepayment Amounts as of the date on which the Obligations are issued by the County for all Tax Parcels as to which prepayment has been made following issuance of the Obligations, from (b) the total principal amount of Obligations initially issued by the County, by (2) the total principal amount of Obligations initially issued by the County.~~

(C) MODIFIED DEBT SERVICE AMOUNT. A Modified Debt Service Amount shall be computed for each Fiscal Year by multiplying (1) the Debt Service Amount by (2) the Prepayment Modification Factor.

~~(D) ANNUAL DEBT SERVICE FACTOR. An Annual Debt Service Factor shall be computed for each Fiscal year by dividing (1) the Modified Debt Service Amount by (2) the aggregate Adjusted Prepayment Amount.~~

~~(E) ANNUAL DEBT SERVICE COMPONENT. The Annual Debt Service Component shall be computed for each Fiscal year for each Tax Parcel by multiplying (1) the Adjusted Prepayment Amount for such Tax Parcel by (2) the Annual Debt Service Factor.~~

~~(F) COLLECTION COST COMPONENT. The Collection Cost Component shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Adjusted Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Adjusted Prepayment Amount, and (2) multiplying the result by the Collection Cost.~~

~~(G) STATUTORY DISCOUNT AMOUNT. The Statutory Discount Amount shall be computed for each Tax Parcel as the amount by which Section 129.01(2)(b), Florida Statutes, requires the County to discount reasonably anticipated receipts in connection with the preparation of its annual budget, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Collection Cost Component, by (b) 0.95.~~

~~(H) ASSESSMENT. The annual Assessment for each Tax Parcel shall be computed as the sum of the Annual Debt Service Component, the Collection Cost Component, and the Statutory Discount Amount.~~

~~(I) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon issuance of the ad valorem tax bill for each Fiscal Year, the Adjusted Prepayment Amount for each Tax~~

~~Parcel shall be recomputed by deducting (1) the amount computed by (a) dividing (i) the principal component of the Debt Service Amount utilized to compute the Annual Debt Service Component for the Assessment Roll by (ii) the total Debt Service Amount utilized to compute the Annual Debt Service Component for the Assessment Roll and (b) multiplying the result by the Annual Debt Service Component included on the Assessment Roll for the Tax Parcel, from (2) the Adjusted Prepayment Amount utilized to compute the Annual Assessment included on the Assessment Roll for such Tax Parcel.~~

SECTION 3.07. PREPAYMENT OPTION PRIOR TO ISSUANCE OF OBLIGATIONS
("INITIAL PREPAYMENT").

~~(A) Beginning with the 2013-2014 fiscal year and following the tax bill with the assessment, the owner of each Tax Parcel subject to the Assessments shall be entitled to prepay all future unpaid annual Assessments upon payment of an amount equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one full percentage point in excess of the rate on the Obligations, from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the County can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.~~
Following adoption of the Final Assessment Resolution, the County shall provide first class mailed notice to the owner of each Tax Parcel subject to the Assessment of the owner's option to prepay all future annual assessments. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the assessments shall be entitled to prepay all future annual assessments.

~~(B) During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel. Infrastructure assessment prepayments will be computed by dividing the most recent estimate of the Capital Costs without any estimated financing or collection costs by the total number of ERUs initially attributed to the MSBU pursuant to Section 3.03 hereof and multiplying the result by the number of ERUs attributable to the Tax Parcel. Prepayments for developed and Vacant Properties shall be calculated separately using Capital Costs and number of ERUs associated with each property type to compute the cost per ERU.~~

~~(C) The County wishes to insure that funding the Capital Cost of the Wastewater Collection Facilities is assessed to all property owners in a fair and equitable manner. Therefore, if a property owner elects to prepay the annual Assessment under this section and the final Assessment is less than the Prepayment Amount, the County shall refund the difference to the property owner. In the event a property owner elects to prepay the annual Assessment under this section and the final Assessment is more than the Prepayment Amount, the property owner shall be required to pay to the County the difference between the Prepayment Amount and the final Assessment. Connection assessment prepayments will be based on the connection fees contained in the current CCU rate resolution multiplied by the number of ERCs attributable to the Tax Parcel.~~

~~(D) The Board, in its sole discretion, may elect to accept prepayments pursuant to this Section 3.07 on any date prior to execution of the Funding Agreement.~~

(E) The amount of all prepayments made pursuant to this Section 3.07 shall be final. The County shall not be required to refund any portion of a prepayment if (1) the actual Capital Cost of the Wastewater Collection Facilities and the cost of the System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees is less than the estimated cost upon which the initial prepayment amount was computed, or (2) annual assessments will not be imposed for the full number of years anticipated at the time of such prepayment. In the event a grant or other non-MSBU funding source is secured which defrays the cost of the project to the benefited property, a prorata share shall be refunded to the current Property Owner(s) of lots where the initial prepayments were made, less any CCU liens on that property.

SECTION 3.08. PREPAYMENT OPTION.

(A) Following the date specified in the notice provided pursuant to Section 3.07(A) hereof or such later date as the Board may allow in its sole discretion, the owner of each Tax Parcel subject to the assessments shall be entitled to prepay all future unpaid annual assessments.

(B) Infrastructure assessment prepayments will be computed by dividing the most recent estimate of the Capital Costs by the total number of ERUs attributed to the MSBU pursuant to Section 3.03 hereof and multiplying the result by the number of ERUs attributable to the Tax Parcel. Prepayments for developed and Vacant Properties shall be calculated separately using Capital Costs and the number of ERUs associated with each property type to compute the cost per ERU.

(C) Connection assessment prepayments will be based on the annual assessment per Tax Parcel times the years remaining to be assessed minus the Tax Collector fee.

(D) During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the future unpaid annual assessments for the Tax Parcel by the amount of the assessment that has been certified for collection with respect to such Tax Parcel.

(E) The amount of all prepayments made pursuant to this Section 3.08 shall be final. The County shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Wastewater Collection Facilities and the cost of the System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees is less than the amount upon which such adjusted prepayment amount was computed, or (2) annual assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 3.09. MANDATORY PREPAYMENT.

(A) If at any time a tax certificate has been issued and remains outstanding in respect of any Tax Parcel subject to the Assessment, the owner shall prepay all future unpaid annual Assessments for such Tax Parcel if the County, at its sole option, elects to accelerate the Assessment. The amount required to prepay the future unpaid annual Assessments will be as outlined in Section 3.08, ~~equal to the sum of (1) the Adjusted Prepayment Amount for such Tax Parcel, and (2) interest on the Adjusted Prepayment Amount, computed at a rate one full percentage point in excess of the rate on the~~

~~Obligations, from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the County can redeem Obligations after providing all notices required to redeem all or any portion of the Obligations.~~

(B) During any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the future unpaid annual Assessments for the Tax Parcel by the amount of the Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 3.09 shall be final. The County shall not be required to refund any portion of a prepayment if (1) the Capital Cost of the Wastewater Collection Facilities and the cost of the System Development Charges (connection fees) and Accrued Guaranteed Revenue Fees is less than the amount upon which such Adjusted Prepayment Amount was computed, or (2) annual assessments will not be imposed for the full number of years anticipated at the time of such prepayment.
~~The County wishes to insure that funding the Capital Cost of the Wastewater Collection Facilities is assessed to all property owners in a fair and equitable manner. Therefore, if a property owner elects to prepay the annual Assessment under this section and the final Assessment is less than the Prepayment Amount, the County shall refund the difference to the property owner. In the event a property owner elects to prepay the annual Assessment under this section and the final Assessment is more than the Prepayment Amount, the property owner shall be required to pay to the County the difference between the Prepayment Amount and the final Assessment.~~

SECTION 3.109. REALLOCATION UPON FUTURE SUBDIVISION.

(A) Upon the subdivision of any Tax Parcel subject to the Assessment and compliance with the conditions set forth below, the Prepayment Amount for such Tax Parcel (or, if Obligations have been incurred, the Aadjusted Prepayment Amount for such Tax Parcel) shall be reallocated among the subdivided parcel(s).

(B) If a Tax Parcel consists of more than one Platted Lot, the Prepayment Amount for such Tax Parcel (or, if Obligations have been incurred, the Aadjusted Prepayment Amount for such Tax Parcel) may be reallocated pro-rata among the Platted Lots upon (1) application of the owner, and (2) assignment of a distinct ad valorem property tax identification number to each Platted Lot or any combination of Platted Lots by the Property Appraiser.

(C) In order to have the Prepayment Amount for such Tax Parcel (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount for such Tax Parcel) reallocated in connection with any subdivision of a Tax Parcel, the owner shall be required to apply to the County and comply with each of the following conditions:

(1) A recorded plat, approved site plan, or comparable document must be provided to the County sufficient in detail to describe adequately the location of the Tax Parcel and the individual parcel(s) in the proposed subdivision;

(2) The Property Appraiser must have assigned distinct ad valorem property tax identification numbers to each individual subdivided parcel or committed in writing to assign such numbers prior to the next ensuing August 1 or any later date approved by the County that will not prevent timely certification of the Assessment Roll in accordance with the Uniform Assessment Collection Act;

(3) At the expense of the pProperty eOwner, an appraisal must be provided by a County-approved certified general appraiser, as defined in Section 475.611 (1)(h), Florida Statutes, which indicates the fair market value of the Tax Parcel prior to the subdivision and the fair market value of each individual subdivided pParcel. In determining the fair market value of the individual subdivided pParcels, the appraiser may take into consideration any infrastructure improvements that are then under construction if funds sufficient for their completion are secured to the satisfaction of the County Attorney;

(4) A proposed reallocation of the Prepayment Amount (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount) to each individual pParcel must be provided to the County; provided, however, that no portion of the Prepayment Amount (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount) may be reallocated to property proposed for dedication to the public or to common use of the subdivided pParcels;

(5) The fair market value of each separate pParcel after the subdivision must be at least three times the amount required to prepay all special assessments imposed by the County against the Tax Parcel; and

(6) The pProperty eOwner may be required to pay an assessment reallocation fee to the County for each individual pParcel resulting from the subdivision in an amount to be established by resolution of the Board.

(D) If the owner of any Tax Parcel subject to the Assessment subdivides such Tax Parcel and fails to comply with the foregoing conditions, the County shall reallocate the Prepayment Amount (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount) among the subdivided pParcels based upon the land value, without

improvements, assessed to each subdivided pParcel by the Property Appraiser. At its sole option, the County may obtain an appraisal of the subdivided pParcels at any time and reallocate the Prepayment Amount (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount) based upon the land value, without improvements, reflected in the appraisal. If an appraisal is obtained, the cost of the appraisal will be allocated among the subdivided pParcels on the basis of the value reflected therein and added to the Annual Debt Service Component of the Assessment for each subdivided pParcel in the Fiscal Year following receipt of the appraisal. It is hereby found and determined that the foregoing method of reallocating the Prepayment Amount (or, if the Obligations have been incurred, the Aadjusted Prepayment Amount) among subdivided pParcels is fair and reasonable, taking into consideration the opportunity for reallocation available to the owner and the requirement to provide adequate security for the Obligation.

SECTION 3.110. HARDSHIP PROGRAM. ~~At its discretion, t~~The Board may ~~has~~ established a program as described in Resolution No. 95-138 to defer ~~provide~~ payment of the annual Assessments by low income pProperty eOwners. If a financial hardship deferral program is ~~established~~funded, the Board may delete the annual Assessment for a low income pProperty eOwner from the Assessment Roll upon transfer of an equal amount of lawfully available funds to the account in which the Assessment would otherwise be deposited. Assessment proceeds shall not be used for this purpose. Any ~~deferred~~loaned Assessment amount that is subsequently collected shall be retained by the County.

SECTION 3.12. TEMPORARY ASSISTANCE FOR FAILING OSTDSs. CCU and the Department of Health will jointly determine temporary operational measures to address OSTDSs that are not functioning and/or nearing a state of failure. These temporary

measures will be initiated by CCU to allow the properties with this condition to continue to be occupied during the interim period between adoption of the September 2013 MSBU budget and connection to CCU's sanitary sewer system. Property Owners shall continue to be responsible for normal maintenance and minor repairs including pump outs, inspections, and lid replacements.

ARTICLE IV GENERAL PROVISIONS

SECTION 4.01. METHOD OF COLLECTION. The assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided, however, that any assessments imposed against property owned by the federal, state or local government, including municipalities and special districts, shall be collected pursuant to Section 4-5-404 of the County Code.

SECTION 4.02. SEVERABILITY. If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4.03. EVIDENCE OF PAYMENT. Payment in full of the assessment imposed against any ~~€Tax p~~Parcel shall operate as a release of the assessment lien upon such ~~€Tax p~~Parcel. Upon request, the County Administrator may issue a written confirmation to evidence such payment; provided, however, that the issuance of written confirmation shall not be required to release the assessment lien. The County may impose an administrative fee to defray the cost of providing written confirmation pursuant to this section.

SECTION 4.04. ADDITIONAL UTILITY DEVELOPMENT ERC CHARGE. If any ~~platted lot~~Parcel ~~classified as non-residential or multi-family property is developed~~has a

change in usage or if additional dwelling units are constructed resulting in a greater number of Utility Development ERCs than that attributed pursuant to Section 3.04 hereof, the County shall collect an additional System Development Charge (connection fees) and Accrued Guaranteed Revenue Fees for each Utility Development ERC in excess of the number originally. Developer shall be required to enter into a Utility Developer Agreement or revise an existing Utility Developer Agreement.

SECTION 4.05. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.


PASSED AND DULY ADOPTED this 28th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

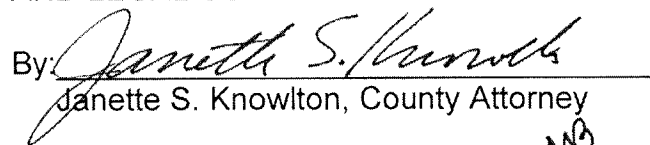
By: 
Christopher G. Constance, Chairman

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
MB

**APPENDIX A
 EAST & WEST SPRING LAKE WASTEWATER MSBU**

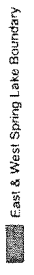


Utilities



Source: Charlotte County Utilities
 Subsequent Projection
 Datum: NAD83
 Units: Feet

Legend



East & West Spring Lake Boundary



Scale: 0 100 200 Feet

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 Charlotte County, Florida, 32909