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CHARLOTTE COUNTY, FLORIDA

US 41
RECLAIMED WATER EXPANSION PROJECT
INITIAL ASSESSMENT RESOLUTION

RESOLUTION NUMBER 16-088

ADOPTED JUNE 14, 2016

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RESOLUTION NO. 16-088

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF THE RECLAIMED WATER EXPANSION PROJECT WITHIN THE PROPOSED US 41 MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE RECLAIMED WATER EXPANSION PROJECT; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AS FOLLOWS:

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.

"Adjusted Prepayment Amount" means (A) the amount required to prepay the Assessment for each Tax Parcel located in the MSBU (1) following issuance of any Temporary Original Obligations as computed pursuant to Section 3.04(B) hereof and revised annually pursuant to Section 3.05(I) hereof, (2) following the issuance of the Permanent Original Obligations, as computed pursuant Section 3.04(C) hereof and revised annually pursuant to Section 3.05(I) hereof, and (3) following issuance of any Refunding Obligations, as computed pursuant to Section 3.04(D) hereof and revised annually pursuant to Section 3.05(I) hereof; and (B) the comparable prepayment amounts computed and revised for each Tax Parcel against which a special assessment has been imposed to finance other Local Improvements, if any, funded from proceeds of the Obligations.

"Annual Debt Service Component" means the amount computed for each Tax Parcel pursuant to Section 3.05(E) hereof.

"Annual Debt Service Factor" means the factor computed pursuant to Section 3.05(D) hereof.

"Assessment" means an annual special assessment imposed against property located within the MSBU to fund the Project Cost of the Reclaimed Water Expansion Project to serve the MSBU and related expenses, computed in the manner described in Section 3.05 hereof.

"Assessment Period" means the time period estimated by the County during which Assessments are imposed for any portion of the Obligations that remain outstanding unless otherwise prepaid pursuant to Sections 3.06 or 3.07 hereof. The Assessment Period shall be set by the Board at or following the public hearing established in Section 2.03 hereof.

"Assessment Roll" means a non-ad valorem assessment roll relating to the Project Cost of the Reclaimed Water Expansion Project to serve the MSBU and related expenses.

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

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes.

"Capital Cost" means 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 the Reclaimed Water Expansion Project and imposition of the Assessments under generally accepted accounting principles; and including reimbursement to the County for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Collection Cost" means all or any portion of the estimated cost to be incurred by the County during any Fiscal Year in connection with the collection of Assessments.

"Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 3.05(F) hereof.

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

"County Administrator" means the chief executive officer of the County, or such person's designee.

"Debt Service Amount" means the amount computed pursuant to Section 3.05(A) hereof.

"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 family only.

"Final Assessment Resolution" means the resolution described in Section 4.06 of the Ordinance 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 therefor by the purchaser or underwriter of such Obligations.

"Government Property" means property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

"Initial Prepayment Amount" means the amount computed pursuant Section 3.04(A) hereof for each Tax Parcel located in the MSBU.

"Large Tract" means a Tax Parcel within the MSBU designated as a tract on the plat containing such Tax Parcel recorded in the County's Official Records that

encompasses more than 3.9 acres in land area and which may be eligible to either be further subdivided into additional Platted Lots on which a Dwelling Unit or other Building may be constructed or otherwise capable of being further developed with non-residential uses.

"Modified Debt Service Amount" means the amount computed pursuant to Section 3.05(C) hereof.

"MSBU" means the US 41 Reclaimed Water Municipal Service Benefit Unit described in Section 3.01 and Appendix C hereof.

"Obligations" means Original Obligations or Refunding Obligations.

"Offset Front Footage" or "OFF" means the total amount of lineal front feet of a Tax Parcel abutting the Sewer Expansion Project, as measured at the Building set back line applicable to the Tax Parcel and determined by the County in its AutoCAD 2012 Software database in accordance with Section 3.03 hereof.

"Ordinance" means Ordinance No. 2016-19.

"Original Obligations" means Temporary Original Obligations and Permanent Original Obligations.

"Parcel of Record" means an unplatted parcel of record or a subdivided Platted Lot in existence on the effective date of this Resolution, on which one or more Dwelling Units has been or can be constructed or sited in accordance with applicable laws and regulations.

"Pass-Through Obligations" means internal loans between certain funds of the County used to initially finance Local Improvements and designated as such by the County, the repayment of which is secured, in whole or in part, by proceeds of the Assessments and

which the County subsequently pledges the proceeds of the internal loans, in whole or in part, to a series of bonds or other evidence of indebtedness.

"Permanent Original Obligations" means notes, bonds or other evidence of indebtedness including, but not limited to, Pass-Through Obligations, secured by proceeds of the Assessments that are issued to refinance any Temporary Original Obligations and finance any remaining Project Costs.

"Platted Lot" means a platted building lot within the MSBU as of the date of the Final Assessment Resolution, but not including Large Tracts.

"Prepayment Modification Factor" means the factor computed pursuant to Section 3.05(B) hereof.

"Proforma Obligations" means a proforma of the Permanent Original Obligations prepared by the County or its financial advisor utilizing the following assumptions: (A) the principal amount of the Permanent Original Obligations is sufficient to fund (1) the Project Cost of the Reclaimed Water Expansion Project, (2) payment of the estimated Transaction Cost for the Permanent Original Obligations, (3) amounts to be deposited in any reserve account established for the Permanent Original Obligations, and (4) any other amounts deemed necessary by the County or its financial advisor, related to the Reclaimed Water Expansion Project and Capital Facilities Charges; (B) the Permanent Original Obligations are payable in substantially equal annual payments over the Assessment Period from their date of issuance; and (C) the Permanent Original Obligations bear interest at rates that, in the reasonable judgment of the County or its financial advisor (taking into consideration possible interest rate fluctuations between the date on which such proforma

is prepared and the estimated date for issuance of the Permanent Original Obligations), may be available on the estimated issuance date for the Permanent Original Obligations.

"Project Cost" means (A) the Capital Cost of the Reclaimed Water Expansion Project, (B) the Transaction Cost associated with the Obligations attributable to the Reclaimed Water Expansion Project, (C) interest accruing on such Obligations for such period of time as the County deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations attributable to the Reclaimed Water Expansion Project, and (E) any other costs or expenses related thereto.

"Reclaimed Water Expansion Project" means the pipes, mains, and other facilities required for the County to provide Reclaimed Water collection services to all Tax Parcels located in the MSBU.

"Refunding Obligations" means a series of bonds or other evidence of indebtedness issued by the County to refund all or any portion of the Permanent Original Obligations or any indebtedness issued to refinance the Permanent Original Obligations; provided, however, Refunding Obligations shall not include Pass-Through Obligations.

"Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 3.05(G) hereof.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

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

"Temporary Original Obligations" means that portion of the loan or loans

incurred by the County to (A) finance the Project Cost of the Reclaimed Water Expansion Project on an interim basis, and (B) finance the payment of any Transaction Cost for the issuance of the Temporary Original Obligations.

"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 and disclosure counsel, if any; (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.

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. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that the Assessments provide a special benefit to property and are fairly and reasonably apportioned among all benefitted properties based upon the following legislative findings:

(A) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grant to the 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) The Board has enacted the Ordinance 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 property located therein.

(C) The Reclaimed Water Expansion Project constitutes a Local Improvement as defined in the Ordinance, which permits the County to provide Reclaimed Water services to properties located in the MSBU. In order to efficiently provide Reclaimed Water service to properties within the MSBU, it is necessary for the County to construct the Reclaimed Water Expansion Project.

(D) The Board desires to create the MSBU for the purpose of constructing Reclaimed Water Expansion Project to serve 1005 Tax Parcels within the boundaries of the MSBU.

(E) The construction of such Reclaimed Water Expansion Project will provide a special benefit to the Tax Parcels located within the MSBU and will possess a logical relationship to the use and enjoyment of property by providing for: (1) access to Reclaimed Water service to the owners and occupants of property, which can be used for irrigation, landscaping, and cleaning, amongst other productive uses, and thereby improves the utilization, marketability and development potential of said properties; and (2) the protection of property values and the health and safety of the owners and occupants of property.

(F) In order to provide a consistent unit of measure between different uses of property and the varying size of Tax Parcels and the buildings situated thereon throughout the MSBU, the rate of Assessment for the Project Cost of the Sewer Expansion Project for all Tax Parcels in the MSBU shall be expressed in terms of "Offset Front Footage" or "OFF," as measured at the Tax Parcel's building set back line on the shortest side of the Tax Parcel that abuts the Sewer Expansion Project, as calculated for each Tax Parcel by the County.

(G) The location of the building set back line determines the size of a Building that can be constructed on a Tax Parcel. The OFF method of apportionment represents a fair and reasonable manner of allocating the benefits accruing to each Tax Parcel in that it equally treats lots of different shapes and configurations by taking into account the actual buildable area of such Tax Parcels. The allocation of benefits to a Tax Parcel based on the OFF attributable to such Tax Parcel is fair and reasonable because the volume of reclaimed

water utilized by a Tax Parcel can reasonably be expected to correlate with the potential size of a Building on such property.

(H) In order to reduce the financial impact the Assessment will have on the real property owners in the proposed MSBU, the County has decided to obtain financing on behalf of the real property owners for their share of the Project Cost. The financing is expected to have a maturity of twenty (20) years or less.

(I) The Board hereby finds and determines that the Assessments associated with the Reclaimed Water Expansion Project provide an equitable method of funding construction of the Reclaimed Water Expansion Project by fairly and reasonably allocating the cost to specially benefitted property, based upon the amount of OFF attributable to each Tax Parcel, in the manner hereinafter described.

ARTICLE II
NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED CAPITAL COST. The estimated Project Cost for the Reclaimed Water Expansion Project is $3,097,692.00. The Project Cost of the Reclaimed Water Expansion Project 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. ASSESSMENT ROLL.

(A) The County Administrator is hereby directed to prepare a final estimate of the Capital Cost and Project Cost of the Reclaimed Water Expansion Project and to prepare the preliminary Assessment Roll in the manner provided in the Ordinance.

(B) The County Administrator shall apportion the Capital Cost and Project Cost of the Reclaimed Water Expansion Project among the parcels of real property within the MSBU as reflected on the Tax Roll in conformity with Article III hereof.

(C) The estimate of Capital Cost, Project Cost, and the Assessment Roll shall be maintained on file in the offices of the County Utilities Department or the MSBU office of the Budget and Administrative Services Department (as designated by 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 2.03. PUBLIC HEARING. A public hearing will be conducted by the Board on July 20, 2016 at 5:01 P.M., or as soon thereafter as the matter can be heard, in the Charlotte Harbor Event & Conference Center, 75 Taylor Street, Punta Gorda,

Florida, 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 2.04. NOTICE BY PUBLICATION. Upon completion of the materials required by Section 2.02 hereof, the County Administrator shall publish a notice of the public hearing authorized by Section 2.03 hereof in the manner and the time provided in Section 4.04 of the Ordinance. Such notice shall be in substantially the form attached hereto as Appendix A.

SECTION 2.05. NOTICE BY MAIL. Upon completion of the materials required by Section 2.02 hereof, the County Administrator shall, at the time and in the manner specified in Section 4.05 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 2.03 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix B.

ARTICLE III
ASSESSMENTS

SECTION 3.01. DESCRIPTION OF MSBU.

(A) The MSBU shall include the property shown in Appendix C attached hereto and incorporated herein by reference.

(B) The MSBU is proposed for the purpose of improving the use and enjoyment of all properties located therein by constructing the Reclaimed Water Expansion Project to provide access to Reclaimed Water service.

SECTION 3.02. IMPOSITION OF ASSESSMENTS.

(A) Assessments shall be imposed against property located within the MSBU for each Fiscal year in which Obligations remain outstanding, the amount of which shall be computed in accordance with this Article III. The first annual Assessment will be included on the ad valorem tax bill mailed in November 2016.

(B) In accordance with Section 2.05 of the Ordinance, when imposed, the Assessment for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the MSBU, which lien shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid.

SECTION 3.03. ASSESSMENT UNITS. To reflect the relative amount of special benefit to be derived from construction of the Reclaimed Water Expansion Project,

the OFF attributable to each Tax Parcel shall be determined in the manner set forth in this Section 3.03.

(A) The OFF attributable to a Tax Parcel that is not a Large Tract shall be determined by calculating the front footage of such Tax Parcel from the 25 foot building set back line of such Tax Parcel, solely on the shortest side of the Tax Parcel that abuts the Reclaimed Water Expansion Project, as determined by the County utilizing the AutoCAD 2012 Software and documented in the County's database.

(B) The OFF attributable to a Large Tract shall be determined by calculating the cumulative front footage of all sides of such Large Tract that abuts the Reclaimed Water Expansion Project, as measured from the 25 foot building set back line of such Large Tract and determined by the County utilizing the AutoCAD 2012 Software and documented in the County's database. Where a proposed reclaimed water line will be located along two adjacent sides of a large tract, one of the sides will have an allowance deducted from the OFF equal to the average lot depth of the platted lots adjacent to the Large Tract.

SECTION 3.04. PREPAYMENT AMOUNTS.

(A) Upon adoption of the Final Assessment Resolution, an Initial Prepayment Amount for each Tax Parcel located within the MSBU shall be calculated as the amount computed by (a) dividing the amount of OFF attributable to such Tax Parcel by the total amount of OFF attributable to all Tax Parcels within the MSBU, and (b) multiplying the result by the estimated Capital Cost of the Reclaimed Water Expansion Project.

(B) Following the issuance of any Temporary Original Obligations, an Adjusted Prepayment Amount for each Tax Parcel shall be computed by multiplying (1) the amount

computed by dividing (a) the Initial Prepayment Amount established herein for such Tax Parcel by (b) the sum of (i) the aggregate Initial 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 Temporary Original Obligations by (2) the principal amount of the Proforma Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 3.05(I) hereof.

(C) Following issuance of the Permanent Original Obligations, an Adjusted Prepayment Amount for each Tax Parcel shall be computed by multiplying (1) the amount computed by dividing (a) the Adjusted Prepayment Amount established herein 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 Permanent Original Obligations by (2) the principal amount of the Permanent Original Obligations. The Adjusted Prepayment Amount for each Tax Parcel shall be revised annually, as provided in Section 3.05(I) hereof.

(D) 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 3.05(I) hereof.

SECTION 3.05. 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. The annual Assessment shall be computed for each Tax Parcel in the manner set forth in this Section 3.05.

(A) DEBT SERVICE AMOUNT. A "Debt Service Amount" shall be computed for each Fiscal Year in the following manner:

(1) For each Fiscal Year in which Temporary Original Obligations will be outstanding, the "Debt Service Amount" shall be computed as the amount which would be payable in respect of the Proforma Obligations in accordance with a debt service schedule prepared with principal installments equal those established for the Proforma Obligations.

(2) Following issuance of the Permanent Original Obligations, the "Debt Service Amount" shall be computed for each Fiscal Year as the amount which would be payable in respect of the Permanent Obligations in accordance with a debt service schedule prepared under the following assumptions: (a) the principal installments equal those established in the Funding Agreement, and (b) the Permanent 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 Permanent Obligations then outstanding plus interest thereon at rates one full percentage point in excess of the actual rates.

(B) 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 Adjusted Prepayment Amount for such Tax Parcel, 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 Modified Debt Service Amount, 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 remaining in the MSBU, 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 the County is allowed by law to budget receipts, which shall also include the maximum discount for early payment of ad valorem taxes and non ad valorem assessments, 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 (1) the Annual Debt Service Component, (2) the Collection Cost Component, and (3) the Statutory Discount Amount.

(I) REVISION OF ADJUSTED PREPAYMENT AMOUNT. Upon certification of the Assessment Roll 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 (or for the initial Assessment Roll, the Initial Prepayment Amount) utilized to compute the annual Assessment included on the Assessment Roll for such Tax Parcel.

SECTION 3.06. PREPAYMENT OPTION.

(A) After the completion of the Sewer Expansion Project, the Board may elect to allow the owner of each Tax Parcel subject to the Assessments to prepay all future unpaid Assessments. If allowed by the Board in its sole discretion, 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.

(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 3.06 shall be final. The County shall not be required to refund any portion of a prepayment if (1) the Capital Cost or Project Cost of the Reclaimed Water Expansion Project is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or

(3) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 3.07. MANDATORY PREPAYMENT.

(A) The owner of a Tax Parcel subject to the Assessment shall immediately prepay all future unpaid annual Assessments for such Tax Parcel if (1) the Tax Parcel is to be acquired or otherwise transferred to an entity for which Assessments cannot be collected pursuant to the Uniform Assessment Collection Act through condemnation, negotiated sale or otherwise, (2) the Tax Parcel is subject to annexation by a governmental unit, or (3) a tax certificate has been issued and remains outstanding in respect of the Tax Parcel and the County, at its sole option, elects to accelerate the Assessment. In the case of (1) or (2) above, the owner of the Tax Parcel prior to condemnation, sale or other transfer must notify the County at least 30 days prior to the proposed acquisition or transfer date in order to allow the County sufficient time to determine the final amount due. Failure to provide such notice shall cause an automatic acceleration of such Assessment the effective date of which is 10 days prior to the proposed acquisition or transfer date.

(B) The amount required to prepay the future unpaid annual Assessments will be 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.

(C) 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.

(D) 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 Capital Cost or Project Cost of the Reclaimed Water Expansion Project is less than the amount upon which such Adjusted Prepayment Amount was computed, (2) the Adjusted Prepayment Amount is reduced upon issuance of the Permanent Original Obligations, or (3) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

(E) Collection by the County of mandatory prepayments pursuant to this Section 3.07 is supplemental and in addition to any other legally available remedy the County may seek for repayment of the Assessments.

SECTION 3.08. REALLOCATION UPON FUTURE SUBDIVISION. If a Tax Parcel includes more than one Platted Lot or Parcel of Record, the Assessment imposed against such Tax Parcel may be reallocated among the Platted Lots or Parcels of Record upon (1) application of the owner and (2) assignment of a distinct ad valorem property tax identification number to each Platted Lot or Parcel of Record or any combination of Platted Lots or Parcels of Record by the Property Appraiser.

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 Assessment against Government Property shall be collected pursuant to Section 5.03 of the Ordinance.

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. INTENT FOR REIMBURSEMENT FROM BOND PROCEEDS. The County is hereby authorized to temporarily advance funds from available utility revenue funds for the payment of the Capital Cost of the Reclaimed Water Expansion Project, such advances to be reimbursed from proceeds of tax-exempt Obligations. This is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). The County declares that it reasonably expects that the Capital Cost for the Reclaimed Water Expansion Project will be reimbursed with the proceeds of bonds (as defined in Section 150 of the Internal Revenue Code). The maximum principal amount of bonds expected to be issued for the Capital Cost of the Reclaimed Water Expansion Project is $3,097,692.00.

SECTION 4.04. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 14th day of June, 2016.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

(SEAL)

By: _____
Christopher G. Constance,
Vice-chairman

ATTEST:

By: _____
Barbara T. Scott,
Clerk of the Circuit Court

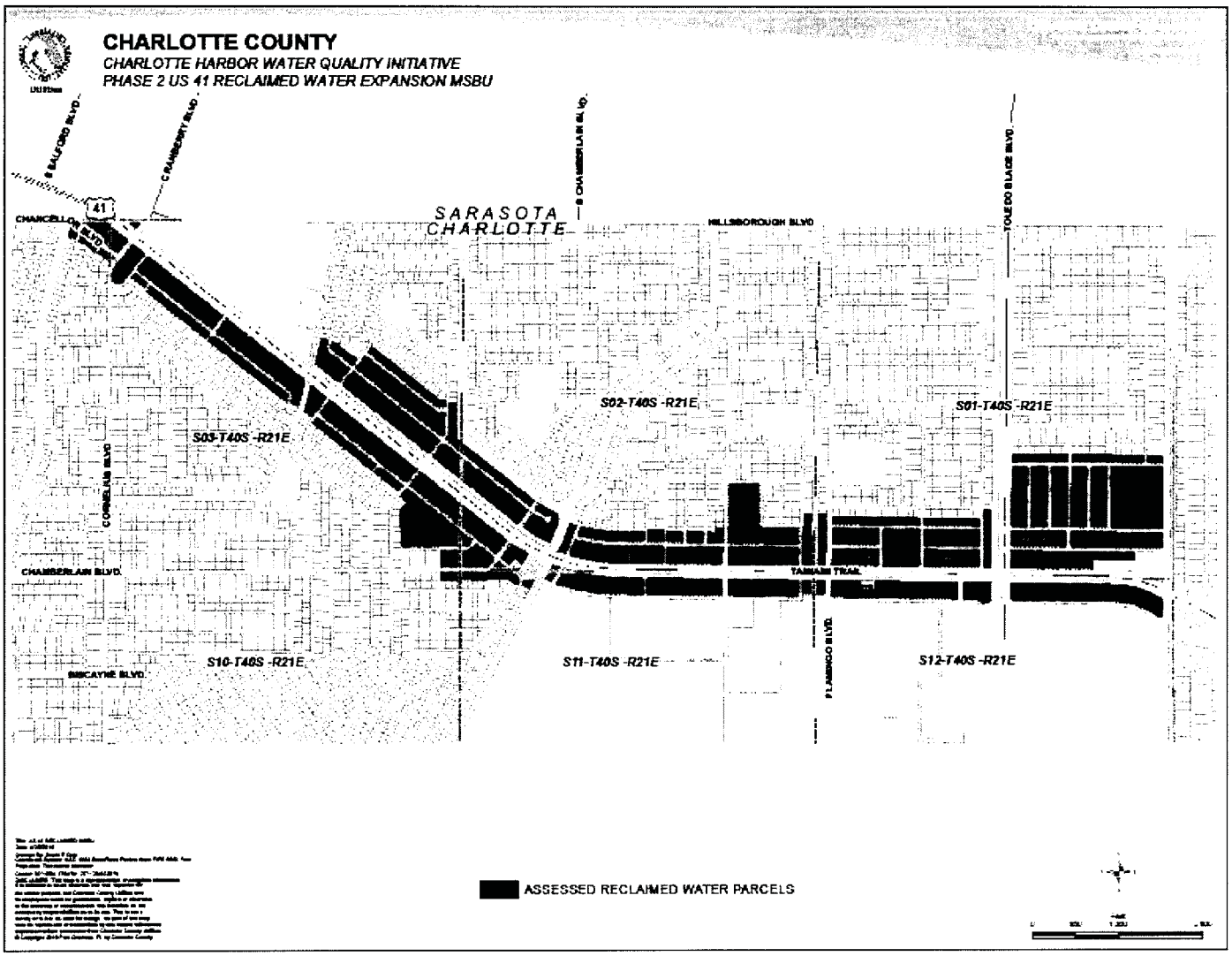
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR15-3638 NWM

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published on or before June 29, 2016



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS

Notice is hereby given that the Board of County Commissioners of Charlotte County, Florida, will conduct a public hearing to consider creation of the US 41 Reclaimed Water Expansion Project Municipal Service Benefit Unit, as shown above, and to impose special assessments against certain parcels of property located therein for the fiscal year beginning on October 1, 2016 and future fiscal years. The hearing will be

Event & Conference Center, 75 Taylor Street, Punta Gorda, Florida for the purpose of receiving public comment on the proposed MSBU and assessments.

All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within 20 days of this notice. If a person wishes to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, such person 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.

The Assessments have been proposed to fund design and construction of the Reclaimed Water Expansion Project that will provide the properties within the proposed municipal service benefit unit with Reclaimed Water service. These facilities include the pipes, mains, and other facilities required for the County to provide Reclaimed Water service to all Tax Parcels located in the MSBU. The assessment for each parcel of property will be based upon the offset front footage (OFF) attributed to such parcel. A more specific description is set forth in the Initial Assessment Resolution adopted by the County Commission on June 14, 2016. Copies of the Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the MSBU Division, Room 229, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida. Copies of the plans and specifications for the Sewer Expansion Project are available for inspection at the Utilities Department, 25550 Harbor View Rd #1, Port Charlotte, FL 33980.

The proposed maximum annual assessment is $1.47 per lineal foot of OFF. The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The County Commission intends to collect the assessments in twenty three (23) annual assessments, the first of which will be included on the ad valorem tax bill to be mailed in November 2016.

If you have any questions, please contact the MSBU Division at (941) 743-1914.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-743-1381. TDD/TTY 941-743-1234, or by email to David.Lyles@charlottecountyfl.gov.

CHARLOTTE COUNTY, FLORIDA

APPENDIX B

FORM OF NOTICE TO BE MAILED

Public Hearing Notice

*** THIS IS NOT A BILL ***

June 29, 2016

www.CharlotteCountyFL.gov

Owner Name:

Parcel ID number:

OWNER NAME

MAILING ADDRESS

Property Address:

Legal Description:

You are hereby notified that the Charlotte County Board of County Commissioners will hold public hearings, at which all affected property owners have a right to appear, to impose non-ad valorem assessments against certain parcels of property within the Municipal Service Benefit Units (MSBUs) listed below. Please check the table below closely for the time and location of the hearings. After consideration of public comments, the Board will consider imposing the assessments. The table below shows the purpose of the assessments, the total revenue Charlotte County will collect from the assessments, the unit of measure, the maximum annual assessment, the rate, and the number of units applicable to each property to determine the amount of the maximum annual assessment.

There will only be one hearing for each assessment. If imposed, the adopted assessments will appear on your 2016 ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the adopted assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

In accordance with the Americans with Disabilities Act, persons with a recognized ADA disability needing a special accommodation to participate in the proceeding should contact our office at 941.743.1914, TDD/TTY 941.743.1234, at least seven days prior to the date of the hearing.

Any property owner affected by the assessments may submit written objections within 20 days of this notice to the Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094. Any person wishing to appeal any decision of the Board of County Commissioners with respect to any matter considered will need a record and may wish to ensure that a verbatim record is made.

If you have any questions, please contact the county's MSBU Division at 941.743.1914 or from Englewood area at 941.681.3770

Assessment for US41 Utility Expansion MSBU (C) - Reclaimed Water

Purpose: Funds the construction of reclaimed water services for the purpose of off-setting potable water usage for irrigation purposes. Year 1 of a 23 year assessment.

Total Revenue to be Collected by County: $3,097,692.00

Unit of Measure: FF Offset Front Footage

Number of FF for your property: #

Maximum Annual Assessment: $1.47 / FF

Total Amount To Be Levied: Max rate x FF x # years

Hearing Date: Wednesday, July 20, 2016

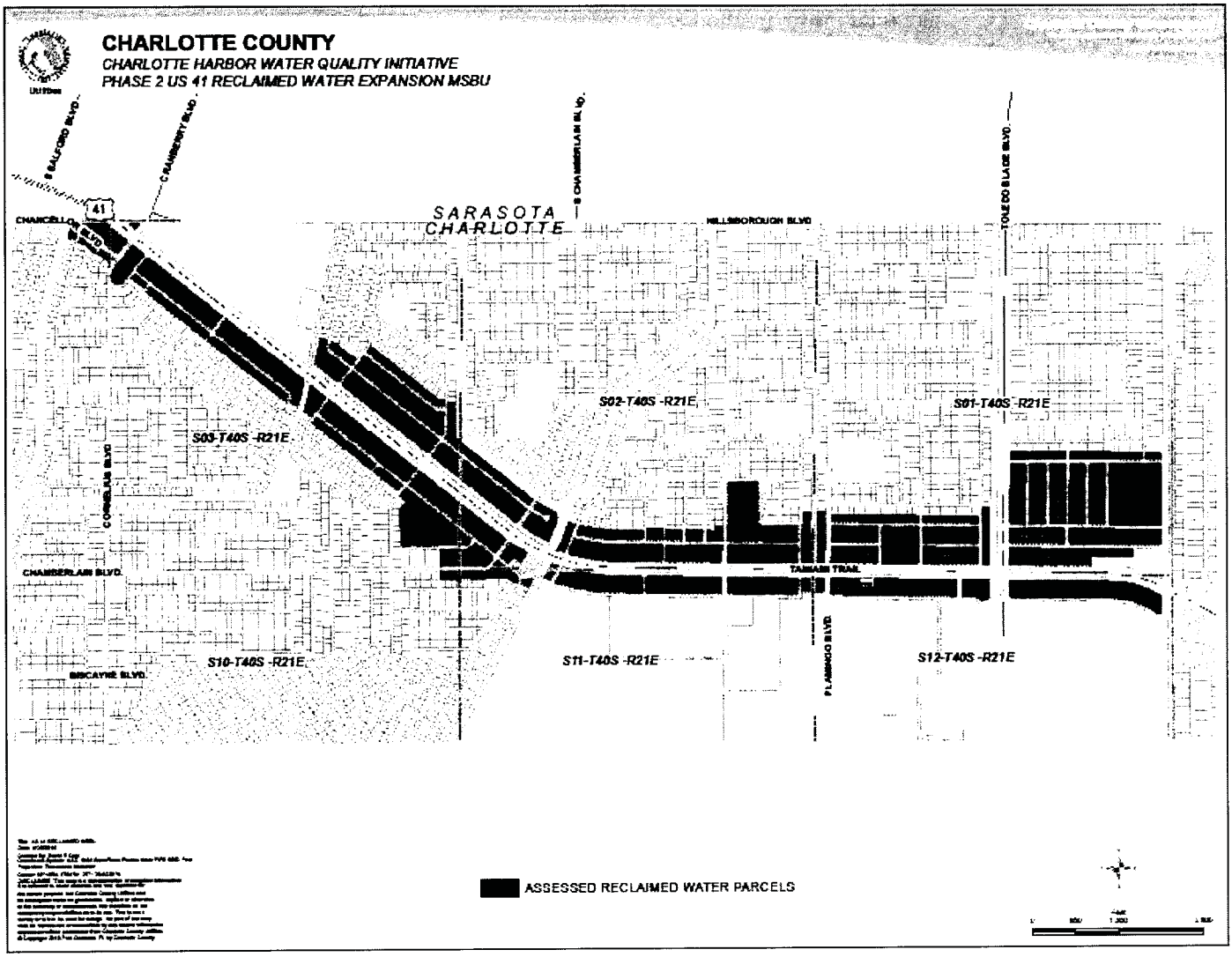
Hearing Time: 5:01 PM

Hearing Location: Charlotte Harbor Event & Tennis Center, 25550 Harbor View Road, Port Charlotte, Florida

Proposed rate for this year: $0.14/FF

2016 Proposed Assessment: # FF at $0.14 = $ amount

NOTE: A (C) in the name of the MSBU indicates a capital improvement project; an (M) indicates a maintenance project

APPENDIX C

DESCRIPTION OF TAX PARCELS LOCATED IN THE US 41 RECLAIMED WATER EXTENSION MSBU