

RESOLUTION NO. 2019 - 125

A RESOLUTION FIXING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARING FOR APPROVING THE SPECIAL ASSESSMENT (NON-AD VALOREM ASSESSMENT) TO BE LEVIED AGAINST THE PROPERTIES WITHIN THE SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT, SERVICE DISTRICT NO. II FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES.

WHEREAS, the Board of County Commissioners of Collier County Florida intends to finance the collection and disposal of solid waste through the levy of special assessments (non-ad valorem assessments) against residential units as defined in Collier County Ordinance No. 2005-54, as amended, that are benefited by the collection and disposal services. Said properties are located within the boundaries of Solid Waste Municipal Service Benefit Unit, Service District No. II as described in Collier County Ordinance No. 2005-54 as amended, and more particularly described herein; and

WHEREAS, Section 197.3632, Florida Statutes, requires that a public hearing be held to adopt a non-ad valorem assessment roll for purposes of utilizing the uniform method collection.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: This Resolution is adopted pursuant to the provisions of Section 197.3632, Florida Statutes, Ordinance No. 2005-54, as amended, and other applicable provisions of law.

SECTION TWO: It is hereby found and determined that a special assessment for the collection and disposal services for the Solid Waste Municipal Service Benefit Unit, Service District No. II is necessary for funding the required payments for said collection and disposal for a period of five (5) years commencing fiscal year 2020 and ending fiscal year 2024.

SECTION THREE: A public hearing before the Board of County Commissioners on the preliminary assessment roll (non-ad valorem assessment roll) of the estimated costs to fund the collection and disposal of solid waste in Solid Waste Municipal Service Benefit Unit, Service District No. II for a period of five (5) years commencing fiscal year 2020 and ending fiscal year 2024 between the County and each property owner of lands within the Solid Waste Municipal Service Benefit Unit, Service District No. II will be held on September 10, 2019, beginning at 9:00 a.m., in the Board of County Commissioners' Boardroom, Third Floor, W. Harmon Turner Building, 3299

East Tamiami Trail, Naples, Florida, at which time the Board of County Commissioners will hear objections from the owners of the properties within the Solid Waste Municipal Service Benefit Unit, Service District No. II or other persons interested therein, to the adoption of the preliminary assessment roll (non-ad valorem assessment roll). The Clerk shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land within said Unit, the name and post office address of such person, firm or corporation, together with the brief description or designation of such lot or parcel. The Clerk shall cause the notice of such public hearing to be published one time in the Naples Daily News, a newspaper published in Collier County and circulating in the Unit, not less than twenty (20) days prior to said date of the hearing. Notice of such public hearing to consider the adoption of the preliminary assessment roll (non-ad valorem assessment roll) shall also be mailed first class to all property owners in Solid Waste Municipal Service Benefit Unit, Service District No. II as listed on the preliminary roll (non-ad valorem assessment roll) at the address provided for on said roll.

SECTION FOUR: Notice of such hearing shall be in substantially the following form:

NOTICE

Notice is hereby given that the Board of County Commissioners of Collier County, Florida, will meet on September 10, 2019, beginning at 9:00 a.m., in the Board of County Commissioners' Boardroom, Third Floor, W. Harmon Turner Building, 3299 East Tamiami Trail, Naples, Florida, for the purpose of hearing objections, if any, by all interested persons to the adoption of the preliminary assessment roll (non-ad valorem assessment roll) allocating the assessable costs for collection and disposal of solid waste within Solid Waste Municipal Service Benefit Unit, Service District No. II which comprises and includes those lands described as follows:

Beginning at the northwest corner of Township 47 South, Range 27 East, Collier County, Florida; thence east along the Collier-Lee county line also the township line to the northeast corner of Township 47 South, Range 27 East; thence north along the Collier-Lee county line also the range line to the northwest corner of Township 46 South, Range 28 East; thence east along the Collier-Hendry county line also the township line for Townships 45 and 46 South to the northeast corner of Township 46 South, Range 30 East; thence south along the Collier-Hendry county line also the range line of Ranges 30 and 31 East to the southeast corner of Township 48 South, Range 30 East; thence west along the township line for

Townships 48 and 49 South to the southwest corner of Township 48 South, Range 29 East; thence north along range line for Ranges 28 and 29 East to the southwest corner of Section 19, Township 47 South, Range 29 East; also being known as the center line of Immokalee Road (CR 846); thence west along the south line of Sections 24, 23, 22, 21, 20 and 19 of Township 47 South, Range 28 East to the southeast corner of Section 24, Township 47 South, Range 27 East; thence south along the range line for Ranges 27 and 28 East to the southeast corner of Township 47 South, Range 27 East; thence west along the township line for Townships 47 and 48 South to the southwest corner of Township 47 South and Range 27 East; thence north along the range lines for Ranges 26 and 27 East to the northwest corner of Township 47 South, Range 27 East, being the Point of Beginning.

A copy of the preliminary assessment roll (non-ad valorem assessment roll) for each lot or parcel of land to be assessed is on file at the Clerk to the Board's Office, County Government Center, W. Harmon Turner Building, Fourth Floor, 3299 East Tamiami Trail, Naples, Florida and in the offices of the Collier County Utility Billing and Customer Service Department, 4420 Mercantile Avenue, Naples, FL 34104 and is open to the inspection of the public.

All affected property owners have a right to appear and be heard at the public hearing and to file written objections to the adoption of a resolution approving the preliminary assessment roll (non-ad valorem assessment roll) with the Board within 20 days of this notice based upon the grounds that it contains items which can not be properly assessed against property, that the computation of the special assessment is incorrect, or there is a default or defect in the passage or character of the resolution, or the preliminary assessment (non-ad valorem assessment) is void or voidable in whole or part, or that it exceeds the power of the Board. At the completion of the hearing, the Board shall either annul or sustain or modify in whole or in part the preliminary assessment (non-ad valorem assessment) as indicated on such roll, either by confirming the preliminary assessment (non-ad valorem assessment) against any or all lots or parcels described therein or by canceling, increasing or reducing the same, according to the special benefits which the Board decides each such lot or parcel has received or will receive from the collection and disposal of solid waste. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps are taken within twenty (20) days with a court of competent jurisdiction to secure relief.

The Board will levy a special assessment (non-ad valorem assessment) for collection and disposal of solid waste based on the methodology of the number of equivalent residential

units located on the property. The total assessment for collection and disposal of solid waste shall not exceed \$255.00 per equivalent residential unit per year for the next five (5) years commencing fiscal year 2020 and ending fiscal year 2024. This special assessment (non-ad valorem assessment) will be collected by the Collier County Tax Collector on the owner's non-ad valorem tax bill pursuant to Section 197.3632, Florida Statutes. Failure to pay the special assessment (non-ad valorem assessment) and your property taxes will cause a tax certificate to be sold against the property, which may result in a loss of title to the property.

Any person who decides to appeal a decision of the Board will need a record of the proceedings pertaining thereto and therefore may need to ensure that a verbatim record of the proceedings is made. The record shall include the testimony and evidence upon which the appeal is to be based.

SECTION FIVE: The Clerk is hereby ordered and directed to spread this Resolution in full among the minutes of this meeting for permanent record in his office.

SECTION SIX: This Resolution shall become effective immediately upon its passage.

This resolution adopted this 9th day of July 2019, after motion, second and majority vote.

ATTEST:
CRYSTAL K. KINZEL, CLERK

by: Crystal Kinzel
Attest as to Chairman's Clerk
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: William L. McDaniel, Jr.
WILLIAM L. MCDANIEL, JR.
CHAIRMAN

Approved as to form and legality:

Jennifer A. Belpedio
Jennifer A. Belpedio
Assistant County Attorney

SAB
5/20/19