

RESOLUTION NO. 2019 - 160

A RESOLUTION APPROVING THE PRELIMINARY ASSESSMENT ROLL AS THE FINAL ASSESSMENT ROLL AND ADOPTING SAME AS THE NON-AD VALOREM ASSESSMENT ROLL FOR PURPOSES OF UTILIZING THE UNIFORM METHOD OF COLLECTION PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT, SERVICE DISTRICT NO. II SPECIAL ASSESSMENT LEVIED AGAINST CERTAIN RESIDENTIAL PROPERTIES WITHIN THE UNINCORPORATED AREA OF COLLIER COUNTY PURSUANT TO COLLIER COUNTY ORDINANCE NO. 2005-54.

WHEREAS, The Board of County Commissioners of Collier County, Florida, (hereinafter referred to as COUNTY), adopted Collier County Ordinance No. 2005-54 creating two (2) Municipal Service Benefit Units in the unincorporated area of Collier County for the purpose of providing and regulating Solid Waste Collection and Disposal Services; and

WHEREAS, The County intends to finance the Solid Waste Collection and Disposal Services 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 solid waste collection and disposal services. Said properties are located within the boundaries of Solid Waste Municipal Service Benefit Unit, Service District No. II as described herein and in Collier County Ordinance No. 2005-54, as amended; 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 of collection; and

WHEREAS, Said public hearing was duly advertised and regularly held at the Board of County Commissioners' Boardroom, Third Floor, W. Harmon Turner Building, 3299 East Tamiami Trail, Naples, Florida, commencing at 9:00 a.m. on September 10, 2019.

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

SECTION ONE: The Board, having met to receive and consider the written objections of the property owners and other interested persons appearing before the Board as to the propriety and advisability of confirming and adopting the Solid Waste Municipal Service Benefit Unit, Service District No. II Preliminary Assessment Roll, as to the amounts shown thereon to be assessed against the lots and parcels of land to be benefited and as to the equalization of such assessments on a basis of justice and right, does hereby confirm such preliminary assessment roll which excludes certain residential units that are included in a homeowner's association or property owner's association that pays the commercial fee for solid waste collection and disposal services for all such units. Further, the Board adopts the preliminary assessment roll and makes it final as the Solid Waste Municipal Service Benefit Unit, Service District No. II final assessment roll (non-ad valorem assessment roll) for the purpose of using the uniform method of collection.

The total special assessments for the solid waste collection and disposal services for Solid Waste Municipal Service Benefit Unit, Service District No. II for FY 2020 is \$209.87 per Residential Unit. The total assessments against the benefited properties are described and set forth in the preliminary assessment roll (non-ad valorem assessment roll) on file with Clerk to the Board, Minutes and Records. The Board hereby confirms the special assessments (non-ad valorem assessments) and the final assessment roll (non-ad valorem assessment roll), which is on file with Clerk to the Board Minutes and Records.

SECTION TWO: Such assessments are hereby found and determined to be levied in direct proportion to the special and positive benefits to be received by the properties listed in the preliminary assessment roll (non-ad valorem assessment roll) on file with Clerk to the Board, Minutes and Records and are located within the Solid Waste Municipal Service Benefit Unit, Service District No. II which is more particularly 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.

SECTION THREE: Upon adoption of this Resolution all the special assessments (non-ad valorem assessments) and all special assessments in subsequent years for Solid Waste Collection and Disposal Services within Solid Waste Municipal Service Benefit Unit, Service District No. II shall be collected pursuant to Section 197.3632, Florida Statutes, or any successor statutes authorizing the collection of such non-ad valorem assessments on the same bill as ad valorem taxes shall be billed.

SECTION FOUR: The assessments shall be final and conclusive as to each lot or parcel assessed and any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objection shall be made and overruled or shall not be sustained, the adoption of this Resolution approving the final assessments shall be at the final adjudication of the issues presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within twenty (20) days from the adoption of this Resolution.

SECTION FIVE: All assessments shall constitute a lien upon the property so assessed from the date of confirmation of this Resolution of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments fall due, and any assessment not paid when due shall be collected pursuant to Chapter 197, Florida Statutes, in the same manner as property taxes are collected.

SECTION SIX: The Clerk is hereby directed to record this Resolution, not including the referenced roll, in the Official Records of Collier County. A recorded copy



of this Resolution and the referenced roll shall be maintained on file in the Office of the Clerk to the Board, Minutes and Records.

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

This Resolution adopted this 10th day of September, 2019, after motion, second and majority vote.

ATTENT:
CRYSTAL K. WINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Handwritten signature]
Attest as the Chairman's
signature only

[Handwritten signature]
BY:
WILLIAM L. MCDANIEL JR., CHAIRMAN

Approved as to form and legality:

[Handwritten signature]
Jennifer A. Belpedio
Assistant County Attorney

