

RESOLUTION 2002- 035

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, PURSUANT TO ORDINANCE NO. 93-14, AS AMENDED, STATING THE INTENTION OF THE COUNTY TO UNDERTAKE A PUBLIC IMPROVEMENT CONSTITUTING A BEACH NOURISHMENT PROJECT IN THE SOUTH AMELIA ISLAND SHORE STABILIZATION MUNICIPAL SERVICES BENEFIT UNIT; DECLARING THAT THE COSTS OF SAID PROJECT SHALL BE PAID BY FEDERAL AND STATE GOVERNMENT GRANT FUNDS AND SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITED BY SAID PROJECT; PROVIDING THE MANNER IN WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED, IMPOSED AND PAID; PROVIDING THE SPECIAL ASSESSMENTS ARE TO BE PAID AS PROVIDED BY SUBSEQUENT RESOLUTION; PROVIDING FOR THE FUNDS TO BE USED TO PAY THE COST OF THE PROJECT; DETERMINING THE ESTIMATED TOTAL COST OF THE PROJECT; AUTHORIZING AND DIRECTING PUBLICATION OF THIS RESOLUTION IN A NEWSPAPER OF GENERAL CIRCULATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida ("BOCC"), has enacted Ordinance No. 93-14, and amendments thereto, providing for certain beach nourishment projects in the southerly portion of Amelia Island within Nassau County; and

**WHEREAS**, the BOCC has created the South Amelia Island Shore Stabilization Municipal Services Benefit Unit ("MSBU") to be a means to finance such beach nourishment projects and to administer said projects; and

**WHEREAS**, the preferred means to finance the cost of such beach nourishment projects is through the levy and imposition of special assessments on the real property located within the MSBU to the extent it is specially benefitted by a given project; and

**WHEREAS**, pursuant to Ordinance No. 93-14, as amended, the BOCC is to take certain actions before levying special assessments within the MSBU;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

**SECTION 1.** The BOCC does hereby state its intention to undertake a public improvement consisting of the planning, programming, designing, construction, installation and maintenance of a beach nourishment project (the "Project") within the area of the South Amelia Island Shore Stabilization Municipal Services Benefit Unit (the "MSBU"), within the meaning of Ordinance No. 93-14, as amended (the "Ordinance"). Preliminary plans and specifications and a more detailed description of such project are on file with the Clerk of the Circuit Court in and for Nassau County, Florida.

**SECTION 2.** The BOCC does hereby further state its intention to pay the cost of the Project by grants from the state governments and by special assessments to be levied and imposed on real property located within the MSBU specially benefitted from the Project. The special assessments shall be determined, levied, imposed and collected as provided in Ordinance No. 93-14, as amended. The costs of the Project will be financed by bonds, notes or other obligations issued by the BOCC payable from and secured by the proceeds received from the special assessments to be levied and imposed during the term of the bonds, notes or other obligations. The BOCC hereby acknowledges receipt of the petition attached hereto as Exhibit "A" of a majority of the owners of the real property located in the MSBU requesting the imposition of special assessments to pay for a portion of the cost of the Project, as required by the Ordinance.

**SECTION 3.** The total estimated cost of the Project is \$12,000,000, of which an estimated \$4,000,000 will be paid or financed by bonds, notes or other obligations issued by the County and secured by and debt service thereon paid from the proceeds of the special assessments on real property located in the MSBU.

**SECTION 4.** The special assessments shall be determined, levied and imposed for more than one year for variable amounts as may be determined, levied, imposed and collected as provided in subsequent resolutions adopted by the BOCC. Such assessments shall be levied and imposed on the real property located in the MSBU and shall be based upon the use of the property and its location within the MSBU.

**SECTION 5.** The Clerk of the Circuit Court of Nassau County, Florida, as the clerk to the BOCC, is hereby authorized and directed to publish a copy of this resolution in a newspaper of general circulation in the County and the MSBU as well as a graphic depiction or other description of the area including the real property on which the special assessments will be levied and imposed. Said publication shall contain the minimum information required by Section 197.3632(4)(b), Florida Statutes, and shall be published no less than 20 days prior to the public hearing called in Section 7 hereof.

**SECTION 6.** The BOCC does hereby acknowledge and recognize the proposed preliminary assessment roll on file with the Clerk of the Circuit Court in and for Nassau County, Florida, for the MSBU.

**SECTION 7.** The BOCC does hereby call a public hearing to be held on March 25, 2002, beginning at 7:00 PM, or as soon thereafter as possible, at the Yulee County Building, 1336 Pages

Dairy Road, Yulee, Florida, at which the owners of property to be assessed, or other persons interested therein, may appear and be heard as to the propriety and advisability of the Project or other undertaking, the cost thereof, the manner of payment therefor, and the amount thereof to be assessed against each property in the manner as set forth in Section 12(i)(1) of Ordinance 93-14, as amended.

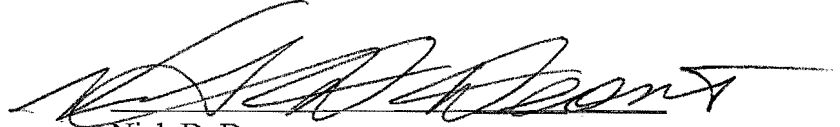
**SECTION 8.** The BOCC does hereby direct that written notice of the time and place of the hearing called in Section 7 and the amount and purpose of the assessment be mailed, by first-class United States mail, to all affected owners of real property in the MSBU as set forth in Section 12(i)(1) of Ordinance 93-14, as amended, and as required by Section 197.3632, Florida Statutes. Said notice shall be mailed no less than 20 days prior to the public hearing called in Section 7 hereof and shall include the purpose of the assessment, the total amount to be levied against each parcel, the unit of measurement to be applied against each parcel to determine the assessment, the number of units contained within each parcel, the total revenue the County will collect by the assessment, a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title, a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the local governing board within 20 days of the notice, and the date, time, and place of the hearing.

**SECTION 9.** The BOCC does hereby state its intention to collect said assessments by the uniform method of collection authorized by Chapter 197, Florida Statutes.

**SECTION 10.** This resolution shall be effective immediately upon its approval by the BOCC.

DONE AND ADOPTED in regular session this 25<sup>th</sup> day of February, 2002.

**BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA**



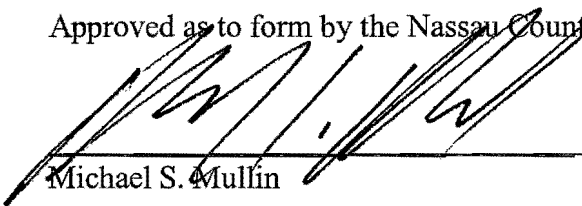
Nick D. Deonas  
Its: Chairman

**ATTEST:**



J.M. "Chip" Oxley, Jr.  
Its: Ex-officio Clerk  
Board of County Commissioners

Approved as to form by the Nassau County Attorney



Michael S. Mullin

**Exhibit A**



William Bertke & Company

CERTIFIED PUBLIC ACCOUNTANTS

TEL  
(904) 261-2200

1890 SOUTH 14TH STREET SUITE 305  
AMELIA ISLAND, FLORIDA 32034-4742

FAX  
(904) 261-3444

## Independent Accountants Report

January 10, 2002

Board of Directors  
South Amelia Island Shore Stabilization Association, Inc.  
Amelia Island Plantation  
Amelia Island, Florida 32034

Board of Directors:

At your request, we have performed the following agreed upon procedures with regard to the mailing of the explanatory material and petitions pertaining to the current proposed beach renourishment program for the beaches located on the south end of Amelia Island, Florida:

- 1) We obtained a listing of eligible voters as of January 1, 2001 who live on the south end of Amelia Island. In addition, we obtained informative literature prepared by the Amelia Island Company consisting of a one-page and a four-page document explaining the current proposed plan for beach renourishment and the proposed method of funding this plan. This information was received from the Amelia Island Company.
- 2) We mailed this information on or about October 10, 2001 together with a stamped return-addressed envelope to the registered voters shown on the listing as of January 1, 2001. We answered questions from voters regarding the petition mailing process.
- 3) We received the returned petitions directly from the voters. We maintained control of these petitions. We also received the original envelopes returned for an insufficient address and together with the personnel of Amelia Island Company we obtained correct addresses and mailed these envelopes.

*"Striving For Excellence In Service To Our Clients"*

Independent Accountants Report

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January 10, 2002

4) As of January 10, 2002, we tallied the petitions which were returned directly to us by the voters and present the following summary:

SUMMARY OF MAILED PETITIONS AS OF  
January 10, 2002

	Number of Owners	Number of Parcels	Number of Units
Total Mailed	1805	2077	2218
Total Petitions Returned	962	1218	1347
Percentage of Petitions Returned	53.3%	58.7%	60.7%

Sincerely

  
William Bertke & Company

# PETITION

## South Amelia Island Shore Stabilization Association

Name  
Address 1  
City, State Zip

Re: Parcel Number  
Legal Description

I (We) own the property described above and support the Beach Restoration Program and "T" head Groins and the special assessment recommended by the South Amelia Island Shore Stabilization Association, Inc. (SAISSA). I (We) respectfully ask the Nassau County Board of County Commissioners to adopt the proposed program in order to protect, preserve, restore and enhance our beach-dune system on the south end of Amelia Island.

Name (print) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name (print) \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

### Instructions

1. Please sign and return this petition. Sign one form for each parcel you own and return by October 31, 2001.
2. Please return your petition(s) to **William Bertke and Company, CPA, Suite 305 1890 S. 14<sup>th</sup> Street, Fernandina Beach, FL 32034**. A stamped, self-addressed envelope is enclosed.
3. If you no longer own the referenced property, please write "sold" on the petition and return in the enclosed envelope. If known, please indicate the new owner or owners.
4. If you own property for which you have not received a petition, please contact William Bertke and Company (voice) 904 261-2200 or (Fax) 904 261-3444.



**SAISSA**

**South Amelia Island Shore Stabilization Association, Inc.  
P.O. Box 3000, Amelia Island, Florida 32035-1307  
904.277.5122 Fax: 904.277.5921**

Dear Fellow Property Owner:

We are pleased to report that many property owners have returned their petitions and are supporting the beach restoration program and the special assessment, but if you have not returned your petition we would like to know that you also support this project. Please take a few moments to sign and return the petition regarding the beach restoration that we sent you in October. For your convenience the petition can be faxed to Bertke & Associates at 904.261.3444. If you have misplaced the information, please call the offices of William D. Bertke & Associates at 904.261.2200 for a duplicate copy. If you have other questions, please call Amelia Island Management at 904.277.5122. If you have already returned your petition, please accept our thanks for your support and encouragement.

Sincerely,

Your Trustees