

RESOLUTION NO. 95-7

OFFICIAL RECORDS

2753.00
NOV. 22 1994

A RESOLUTION OF NASSAU COUNTY, FLORIDA, AMENDING RESOLUTION NO. 94-32; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL FOR A NON-AD VALOREM ASSESSMENT WITHIN THE SOUTH AMELIA ISLAND SHORE STABILIZATION MUNICIPAL SERVICE BENEFIT UNIT OF NASSAU COUNTY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1994, AS DESCRIBED HEREIN FOR THE PURPOSE OF PAYING THE COST OF CERTAIN CAPITAL IMPROVEMENTS AND COSTS RELATED THERETO CONSTITUTING A BEACH RENOURISHMENT PROJECT WITHIN SAID AREA; SPECIFYING THE UNIT OF MEASUREMENT FOR, AND THE AMOUNT OF, SAID ASSESSMENT; SPECIFYING THE NUMBER OF YEARS SAID ASSESSMENT IS TO BE LEVIED; PROVIDING FOR ANNUAL APPROVAL AND ADJUSTMENTS TO THE AMOUNT AND UNIT OF MEASUREMENT OF THE ASSESSMENT; SPECIFYING THE PUBLIC SERVICES AND ADMINISTRATIVE COSTS RELATING THERETO TO BE PAID FROM SAID ASSESSMENT; MAKING FINDINGS; AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO CERTIFY SAID ASSESSMENT ROLL; AUTHORIZING AND DIRECTING APPROPRIATE COUNTY OFFICIALS TO DO ALL THINGS NECESSARY TO CARRY OUT THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 93-14, enacted by the Board of County Commissioners of Nassau County, Florida, as amended by Ordinance No. 94-1, provides an authorization and method for the levy, collection and enforcement of non-ad valorem assessments by Nassau County for beach renourishment benefiting the South Amelia Island Shore Stabilization Municipal Service Benefit Unit; and

WHEREAS, pursuant to Resolution No. 94-1 adopted by the Board of County Commissioners of Nassau County on October 11, 1993, the Board of County Commissioners expressed its intent to undertake a public improvement constituting a beach nourishment project benefiting properties located in the South Amelia Island Shore Stabilization Municipal Services Benefit Unit ("MSBU") within Nassau County as more particularly described in said resolution, and declaring the cost of said project shall be paid by federal and state government grant funds and special assessments levied against real property located in the MSBU specially benefited by the project, which special assessments may be pledged as security for and used to pay debt service on bonds, notes or other obligations issued to finance the cost of the project; and

WHEREAS, the Board of County Commissioners of Nassau County, after providing notice by first class United States mail to the owners of real property within the MSBU specially benefited by the beach renourishment project and against which special

assessments to pay the cost thereof are proposed to be levied and collected, after providing notice by publication in a newspaper of general circulation within Nassau County, Florida, in accordance with the requirements of Ordinance No. 93-14, as amended, held a public hearing to hear testimony and receive evidence to consider the adoption of a non-ad valorem assessment roll for a non-ad valorem assessment within the MSBU to finance the cost of the planning, designing, construction, installation and administration of the beach nourishment project benefiting the MSBU and certain administrative and other costs pertaining thereto (collectively, the "Beach Project"), and following said hearing on November 22, 1993, did adopt Resolution No. 94-32, adopting a non-ad valorem assessment roll for purpose of paying costs of the Beach Project;

WHEREAS, the South Amelia Island Shore Stabilization Municipal Services Benefit Unit Advisory Board, after providing notice by first class United States Mail to the owners of real property within the MSBU and after providing notice by publication in a newspaper of general circulation within Nassau County, Florida, held a public hearing to hear testimony and receive evidence regarding adjustments to non-ad valorem assessments for certain properties located within the MSBU, and after consideration of said testimony and evidence, voted to recommend to the Board of County Commissioners that the method of determining the non-ad valorem assessment for certain properties located within the MSBU should be adjusted; and

WHEREAS, Resolution No. 94-32, provided for annual adjustments to the non-ad valorem assessments levied to pay the costs of the Beach Project and at a public hearing evidence was presented to the Board of County Commissioners that the method of determining the non-ad valorem assessments for certain properties located within the MSBU should be adjusted;

NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, THAT:

Section 1. The recitals set forth above are hereby adopted by and incorporated into this resolution as findings of the Board of County Commissioners of Nassau County, Florida.

Section 2. The non-ad valorem assessment roll for the non-ad valorem assessment on the real properties identified on such roll, all of which are located within the MSBU, for the fiscal year beginning October 1, 1994, is hereby adopted for the purpose of establishing the special assessments to finance the cost of the Beach Project. A copy of the assessment roll is attached hereto as Exhibit "A" and by reference made a part hereof,.

Section 3. (a) The unit of measurement and the methodology to be used for determining the assessment to be levied on real property located in the MSBU to pay the cost of the Beach Project pursuant to this Resolution (the "Beach Project Assessment") are as follows:

1. The total annual debt service for bonds, notes or other obligations issued to finance the cost of the Beach Project and paid from the Beach Project Assessment is divided between commercial properties and residential properties (13.5% of estimated debt service is assigned to commercial properties in the aggregate and 86.5% of the estimated debt service is assigned to residential properties in the aggregate).

2. The total debt service to be paid from the Beach Project Assessment on commercial properties is allocated in accordance with the assessed valuation of each property as reflected on the ad valorem tax roll of Nassau County, Florida.

3. One-half of the total debt service to be paid from the Beach Project Assessment on residential properties (43.25% of total debt service) is allocated to all residential units or properties equally.

4. One-half of the total debt service to be paid from the Beach Project Assessment on residential properties (43.25% of total debt service) is allocated to those residential properties located in three zones within the MSBU based upon location. Zone 1 includes all residential properties facing or fronting the Atlantic Ocean and is allocated 57.25% of the remaining debt service. Zone 2 includes all residential properties located within the MSBU east of State Road A1A and not facing or fronting the Atlantic Ocean and is allocated 17.50% of the remaining debt service. Zone 3 includes residential properties located within the MSBU and west of State Road A1A are allocated the remaining 25.25% of debt service.

5. Within each of the three (3) zones described in 4., 30% of the total debt service derived from the Beach Project Assessment is divided among all properties or units equally and 70% of the total debt service within each zone is allocated to each property or unit according to its assessed valuation as reflected on the ad valorem tax roll of Nassau County, Florida.

6. The units of measurement for calculation of the assessments as set forth in paragraphs 1.-5. shall be adjusted and the assessments recalculated for each fiscal year due to changes in the assessed valuation of real property and changes in the use or property within the MSBU, including new construction.

7. The mathematical formulas applying the methodology and units of measurement set forth in this subsection (a) to determine the assessment for each parcel or unit being assessed hereunder

shall be those formulas, applying the constants and variables, set forth in Exhibit "B" hereof and incorporated herein as part of this Resolution.

(b) The units of measurement for and the formulas to determine the Beach Project Assessment for the fiscal year beginning on October 1, 1994 as to each property described in Exhibit "A," shall be as set forth in Section 2 hereof and Exhibit "B" hereof, and, thereafter, such units of measurement and formulas are subject to approval and adjustment each year by resolution adopted by the Board of County Commissioners, which adjustment shall only be based on the following factors affecting the amount of the individual assessments: corrections to the assessment roll or the application of the formula for determining the non-ad valorem assessment for any particular property located within the MSBU; changes in the use or value, or status of properties located within the MSBU; changes in the debt service for any bonds, notes or other obligations issued by Nassau County to finance the Beach Project; or due to varying interest rates. The adjustment to the assessments authorized by this Resolution shall not be based on any additional amount being assessed for additions to the Beach Project or for any other projects or undertakings of the MSBU or Nassau County other than those set forth in this Resolution.

Section 4. The amount of the Beach Project Assessment for each specific property located within MSBU for the fiscal year beginning October 1, 1994, shall be as provided in Exhibit "A."

Section 5. The Beach Project Assessment was levied for the first time in the fiscal year beginning October 1, 1993, and may be levied for up to a total of ten (10) years, subject only to such annual adjustments as are described in Resolution No. 94-32, this Resolution, or subsequent supplemental or amendatory resolutions.

Section 6. This Resolution amends and is supplemental to Resolution No. 94-32, adopted on November 22, 1993, by the Board of County Commissioners, which resolution remains in full force and effect as amended herein and any provision thereof not amended or supplemented by this Resolution remains in full force and effect as originally adopted by the Board of County Commissioners.

Section 7. The Board of County Commissioners does hereby find that all statutory prerequisites to the adoption of the non-ad valorem assessment roll for the Beach Project Assessment for the fiscal year beginning October 1, 1994, have been satisfied.

Section 8. (a) The Board of County Commissioners does hereby authorize and direct the Chairman of the Board of County Commissioners to certify the non-ad valorem assessment roll for the Beach Project Assessment for the fiscal year beginning October 1, 1994, to the Tax Collector of Nassau County, Florida, and other

appropriate officials and entities involved in the levy and collection of the assessments determined by this Resolution.

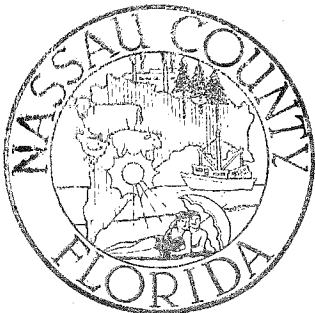
(b) Appropriate officials of Nassau County are hereby authorized to do all things necessary to carry out the terms and conditions of this Resolution, including the mailing of notices to owners of real property against which the assessments are being levied setting forth the amount of such assessment, the date on which it is due, and the date on which an enforceable lien will be imposed upon the property if the assessment has not been paid in full, the levy and collection of the special assessments, the expenditure of the proceeds from the Beach Project Assessment, and contracting with other persons, including the South Amelia Island Shore Stabilization Association, Inc. ("SAISSA"), to administer, plan, and operate the Beach Project provided that any such proposed agreements or contracts shall be presented to the Board of County Commissioners for its consideration, and the enforcement of the liens for payment of such special assessments as provided in Ordinance No. 94-1.

Section 9. The assessments determined, levied, and imposed by this Resolution are due and payable in full on December 31, 1994, by a single payment delivered to the Tax Collector of Nassau County, Florida. Notices of non-payment of the assessment shall be sent to the owners of property subject to the assessments determined, levied and imposed by this Resolution on or about January 31, 1995 and February 28, 1995. As of April 1, 1995, any assessments not paid in full shall be deemed past due and shall constitute an enforceable lien against the property on which the assessment was levied and imposed, and proceedings may then be instituted by appropriate officials as provided in Ordinance No. 94-1 to enforce and collect such assessment.

Section 10. This Resolution shall take effect immediately upon its adoption.

DONE AND ADOPTED in regular session this 24th day of October, 1994.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA





JOHN A. CRAWFORD
Its: Chairman

ATTEST:



T.J. GREESON
Its: Ex-officio Clerk

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Approved as to form by the Nassau County Attorney:



MICHAEL S. MULLIN, Esquire
County Attorney

ORL-111843.1\707\21727-1
October 11, 1994

Exhibit "A"

BK0718PG1232

[Assessment Roll Showing Property and Amount of Assessment]

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Exhibit "B"

Formulas To Calculate Assessments

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The formulas to be used for determining the assessment to be levied on real property located in the MSBU to pay the cost of the Beach Project are the following formulas using the constants and variables set forth below as applied to the particular parcels identified in the assessment roll attached hereto as Exhibit "A":

CONSTANTS:

P_c	=	Percentage of D attributed to Commercial
P_b	=	Percentage of D attributed to Base
P_o	=	Percentage of D attributed to Oceanfront
P_e	=	Percentage of D attributed to East
P_w	=	Percentage of D attributed to West
P_{ov}	=	Percentage of d based on Value
P_{ou}	=	Percentage of d based on Units
P_{cv}	=	Percentage of d based on Value
P_{cu}	=	Percentage of d based on Units
P_{wv}	=	Percentage of d based on Value
P_{wu}	=	Percentage of d based on Units

VARIABLES:

D	=	Total Debt Service
U_o	=	Oceanfront Units
U_e	=	East Units
U_w	=	West Units
V_c	=	Commercial Assessed Value
V_o	=	Ocean Assessed Value
V_e	=	East Assessed Value
V_w	=	West Assessed Value

Outputs

d_c	=	Commercial Debt
d_o	=	Oceanfront Debt
d_e	=	East of A1A Debt
d_w	=	West of A1A Debt
B	=	Base Rate
C	=	Commercial Rate
O	=	Oceanfront Rate
E	=	East Rate
W	=	West Rate
O_u	=	Ocean Unit Rate
O_v	=	Ocean Value Rate
E_u	=	East Unit Rate
E_v	=	East Value Rate
W_u	=	West Unit Rate

W_v = West Value Rate

Formulas:

$$d_c = D \times P_c$$

$$d_b = (D - d_c) \times P_b$$

$$d_o = ((D - d_c) \times (1 - P_b)) \times P_o$$

$$d_v = ((D - d_c) \times (1 - P_b)) \times P_v$$

$$d_w = ((D - d_c) \times (1 - P_b)) \times P_w$$

$$C = \frac{d_c}{V_c}$$

$$B = \frac{d_b}{(U_o + U_c + U_w)}$$

$$O_u = \frac{(d_o \times P_{ov})}{U_o} + B$$

$$O_v = \frac{(d_o \times P_{ov})}{V_o}$$

$$E_u = \frac{(d_o \times P_{ev})}{U_o} + B$$

$$E_v = \frac{(d_o \times P_{ev})}{V_o}$$

$$W_u = \frac{(d_w \times P_{wv})}{U_w} + B$$

$$W_v = \frac{(d_w \times P_{wv})}{V_w}$$

$$O = O_u + O_v$$

$$E = E_u + E_v$$

$$W = W$$

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The assessment for each particular property is calculated by applying the relevant percentages to the appropriate categories.

Original
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Resolution 95-7
filed with original resolution in
Box No. 0002171
Clerk's Record Storage