

RESOLUTION NO. 19-81

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, RELATING TO CONSTRUCTION AND FUNDING OF ROAD IMPROVEMENTS WITHIN THE PINES AND TRIPLE LAKES ROAD ASSESSMENT MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING DEFINITIONS; DESIGNATING THE IMPROVEMENT TO FALCON WAY AND EAGLE WAY AS AN ASSESSMENT PROJECT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND CONSTRUCTION OF THE ROAD IMPROVEMENTS; 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 OKALOOSA 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.

"Assessment" means an annual special assessment imposed against the Benefitted Properties located within the MSBU to fund the Project, and related expenses. In addition to the Construction Cost, the Assessment shall include the amount for Debt Service, the Collection Cost and the Amount of the Statutory Discount.

"Assessment Roll" means the lists prepared by the County and confirmed by the Board containing a summary description of each of the Benefitted Properties within the MSBU that is

subject to the Assessment, the name and address of the owner of each such parcel and the assessment authorized by this Ordinance against each parcel.

"Benefited Properties" shall mean those properties within the boundaries of the Pines and Triple Lakes Road Assessment Municipal Services Benefit Unit which are benefited by the Project and which are subject to the assessments authorized herein. The list of Benefitted Properties is attached as Appendix "B. For the purposes of this Assessment, all real property which abuts a road that is being improved as part of a Project is hereby determined to be benefited by the Project

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

"County" means Okaloosa County, Florida.

"Construction Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, materials, equipment, labor construction and installation (including demolition, environmental mitigation and relocation, if required) of the Project and imposition of the Assessments under generally accepted accounting principles; including reimbursement to the County for any funds advanced for the Project including interest on such amounts.

"Collection Cost" means the estimated cost to be incurred by the County during any Fiscal Year in connection with the collection of Assessments including any amounts due to the Tax Collector or Property Appraiser for their services in the collection of the Assessments.

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

"Debt Service" means the cost of any loan or borrowing required to proceed with the Project.

"Excluded Parcels" means those parcels which (A) are used for road right-of-way, utility easements, open space, retention or drainage purposes, (B) do not otherwise benefit from construction of the Road Improvements, and (C) Government Property.

"Final Assessment Resolution" means the Resolution which finally establishes the amount of the assessment to be imposed against Benefited Properties.

"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.

"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.

"Prepayment Amount" means the amount computed for each Tax Parcel as established herein, to prepay the Assessment in full.

"MSBU" means the Pines and Triple Lakes Road Assessment Municipal Services Benefit Unit.

"Ordinance" means Ordinance No. 2016-03 creating the Pines and Triple Lakes Road Assessment Municipal Services Benefit Unit, as amended.

"Owner" means the person or persons owning or leasing an interest in real property located within the unit, as identified by the records of the Property Appraiser's office.

"Preliminary Assessment Resolution" means this Resolution adopted by the Board which sets for the proposed amount of the Assessments to be imposed against the Benefited Properties and established the requirements for notice to those properties.

"Project" means the improvement to Falcon Way and Eagle Way located within the boundaries of the Pines and Triple Lakes Subdivisions including the improvements of the roads and ancillary drainage facilities.

"Property Appraiser" means the Property Appraiser of Okaloosa County, Florida.

"Statutory Discount Amount" means the discount authorized from the payment of the Assessment pursuant to section 197.162, Florida Statutes.

"Tax Collector" means the Tax Collector of Okaloosa County, Florida.

"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.

"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:

(A) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grants to a 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 of County Commissioners of Okaloosa County, Florida, has enacted the Ordinance to provide for the creation of the Pines and Triple Lakes Road Assessment Municipal Service Benefit Unit and authorize the imposition of Assessments to fund the construction of the road and ancillary drainage facilities to serve the Benefitted Properties located therein.

(C) The construction of these road and ancillary drainage facilities will improve access for the Benefitted Properties located within the MSBU and enhance the value of the Properties. Therefore, the Board determines that the Benefitted Properties will receive a special benefit from the Project which will exceed the cost to that property.

(D) As each Tax Parcel within the boundaries of the MSBU which will abut the roads being improved a part of the road and drainage ancillary facilities included as part of the Project, and that the degree of benefit received by each Tax Parcel is the same, an allocation of the cost based upon a per Tax Parcel basis is fair and reasonable

(E) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the construction of the Project by fairly and reasonably allocating the cost to Benefitted Properties.

**ARTICLE II
NOTICE AND PUBLIC HEARING**

SECTION 2.01. FINAL CONSTRUCTION COST. The Final Construction Cost for the Project is \$119,037.88, less the amounts received through prepayments and assessment amounts received in prior years, which will be funded through the imposition of Assessments against Benefitted Properties located in the MSBU.

SECTION 2.02. ASSESSMENT ROLL. The County Administrator is hereby directed to prepare a final determination of the Assessment for the Project and to prepare the preliminary Assessment Roll. A copy of that Assessment Roll is attached hereto as Appendix "B". The Assessment, the Debt Service, The Collection Cost and the Statutory Discount Amount shall be included in the calculation of the Assessment. The Assessment Roll shall be maintained on file in the Public Works Department (or as otherwise 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 2nd, 2019 at 9:00A.M., or as soon thereafter as the matter can be heard, at the Commission Meeting Room, Okaloosa County Crestview Courthouse, located at 101 E James Lee Blvd., Crestview, FL 32536 to consider (A) adoption of a Final Assessment Resolution and (B) collection of the Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.04. NOTICE BY PUBLICATION. The County Administrator shall publish a notice of the public hearing authorized by law and in substantially the form attached hereto as Appendix A.

SECTION 2.05. NOTICE BY MAIL. To the extent required by law, the County Administrator shall provide first class mailed notice of the public hearing to each property owner proposed to be assessed at the address indicated on the Tax Roll. As there has been no increase of the amount of the assessment in excess of the maximum amount, it is hereby determined that no individual mailed notice is required.

**ARTICLE III
ASSESSMENTS**

SECTION 3.01. DESIGNATION OF ROADS TO BE IMPROVED WITHIN THE MSBU. The improvement of Falcon and Eagle Way within the boundaries of the Pines and Triple Lakes Road Assessment Municipal Service Benefit Unit are hereby designated as the Project.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against property located within the MSBU which constitute Benefitted Properties for a period of fifteen (15) years, less the number of prior years that have previously been imposed. The first annual Assessment was included on the ad valorem tax bill mailed in November 2016. This Assessment will be for the fourth and all remaining years of the assessment program and shall be included on the ad valorem tax bill mailed in approximately November 2019. The Assessment for each Fiscal Year shall constitute a lien upon those Tax Parcels located in the MSBU that constitute Benefitted Properties. The Parcels identified hereto as Appendix "B" shall constitute the Benefitted Properties for the purpose of the Assessment.

SECTION 3.03. PREPAYMENT AMOUNTS. Upon adoption of the Final Assessment Resolution, a Prepayment Amount for each Tax Parcel located within the MSBU shall

be calculated by dividing the Construction Cost of the Project by the number of Tax Parcels constituting Benefitted Properties.

SECTION 3.04. PREPAYMENT OPTION. Following adoption of the Final Assessment Resolution, the County Administrator shall provide first class mailed notice to the owner of each Tax Parcel subject to the Assessment of the owner's option to prepay all future annual Assessments. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth calendar day following the date on which the notice is delivered to the possession of the U.S. Postal Service), the owner of each Tax Parcel subject to the Assessment shall be entitled to prepay all future annual Assessments.

SECTION 3.05. 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 by a public entity through condemnation, negotiated sale or otherwise, or (2) 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) above, the owner of the Tax Parcel must notify the County at least 30 days prior to the proposed acquisition date in order to allow the County sufficient time to determine whether acceleration is desired. 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 date.

(B) The amount required to prepay the future unpaid annual Assessments will be equal to remaining amounts of Construction Cost, accumulated interest due until the date of payment and any unpaid costs.

SECTION 3.06. REALLOCATION UPON FUTURE SUBDIVISION. If a Tax Parcel is divided for any reason and an additional Tax Identification Number is assigned to any portion of the original Tax Parcel, the Assessment imposed against such original Tax Parcel may be reallocated among the created Tax Parcels upon (1) application of the owner, and (2) assignment of a distinct ad valorem property tax identification number to each parcel or any combination of parcels containing such Parcel Units 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 or charge imposed against Government Property may be collected pursuant to any method allowed by law.

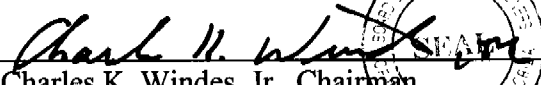
SECTION 4.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

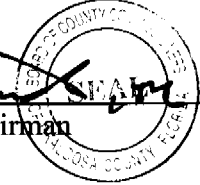
SECTION 4.03. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 4th day of June 2019.

**BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA**

By:


Charles K. Windes, Jr., Chairman



ATTEST:

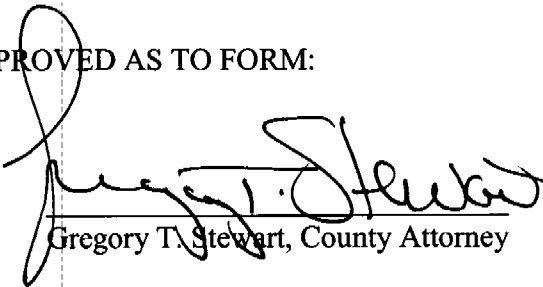
By:


J. D. Peacock II, Clerk of the Court



APPROVED AS TO FORM:

By:


Gregory T. Stewart, County Attorney

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published on before June 11, 2019

**[MAP OF MSBU]
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS**

Notice is hereby given that the Board of County Commissioners of Okaloosa County, Florida, will conduct a public hearing to impose special assessments within the Pines and Triple Lakes Road Assessment Municipal Services Benefit Unit for the improvement of Falcon Way and Eagle Way. The hearing will be held at 9:00 A.M., or as soon thereafter as the matter can be heard, on July 2, 2019 at the Commission Meeting Room, Okaloosa County Crestview Courthouse, located at 101 E James Lee Blvd., Crestview, FL 32536 for the purpose of receiving public comment on the proposed assessments. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the County Administrator at 850-651-7105, or in writing to 1250 N. Eglin Pkwy, Suite 100, Shalimar, Florida 32579, at least three days prior to the public hearing. If you are hearing or voice impaired, please call 850/651-7105. 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 construction of road improvements. The assessment for each parcel of property will be based upon the total number of parcel units (approximate number of potential dwelling units permitted to be built on each platted lot or parcel of record). A more specific description is set forth in the Preliminary Assessment Resolution adopted by the County Commission on June 4. Copies of the Preliminary Assessment Resolution and the plans and specifications for the road improvements are available for inspection at 1759 S. Ferdon Blvd., Crestview, Florida, 32536.

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 fifteen (15) annual assessments, the first of which was included on the ad valorem tax bill mailed in November 2016. Future annual assessments may be prepaid, in whole, at the option of the property owner.

If you have any questions, please contact the Okaloosa County Public Works Department at 850/689-5772.

APPENDIX B

DESCRIPTION OF TAX PARCELS AND PARCEL UNIT ASSIGNMENTS
(as of the effective date of this Resolution)

**Annual
Assessment
Amount**

Parcel Identification	Owner	Address	
24-3N-22-2550-0013-0010	KLINE-HUGHES PROPERTIES LLC	930 POCAHONTAS DR FT WALTON BCH FL 325470000	\$435.88
24-3N-22-2550-0013-0060	KLINE-HUGHES PROPERTIES LLC	930 POCAHONTAS DR FT WALTON BCH FL 325470000	\$435.88
24-3N-22-2550-0013-0070	BOUREXIS STEPHEN P	219 E MAIN ST WESTMINISTER MD 21157	\$435.88
24-3N-22-2550-0013-0080	HOWES STEVEN D	108 WOODBINE CIR FT WALTON BCH FL 325480000	\$435.88
24-3N-22-2550-0013-0090	KLINE-HUGHES PROPERTIES LLC	930 POCAHONTAS DR FT WALTON BCH FL 325470000	\$435.88
24-3N-22-2550-0014-0010	GREGORY, RYAN K	5145 EAGLE WAY CRESTVIEW FL 32539	\$435.88
24-3N-22-2550-0014-0020	MENDIOLA DAETON	4702 FALCON WAY CRESTVIEW FL 32539	\$435.88
24-3N-22-2550-0014-0030	BARDSLEY CORY & LISA	715 FENNEC FOX PRESERVE CRESTVIEW FL 32536	\$435.88
24-3N-22-2550-0014-0040	LARRY PATRICIA A	4698 FALCON WAY CRESTVIEW FL 32539	\$435.88
24-3N-22-2550-0014-0050	GROSECLOSE WINTHROP W & DENISE	1839 ROUTE 68 ROCHESTER PA 150742725	\$435.88
24-3N-22-2550-0014-0060	LNK DEVELOPMENT INC	930 POCAHONTAS DR FT WALTON BCH FL 32547	\$435.88
24-3N-22-2550-0014-0070	LNK DEVELOPMENT INC	930 POCAHONTAS DR FT WALTON BCH FL 32547	\$435.88
24-3N-22-2550-0014-0090	LNK DEVELOPMENT INC	930 POCAHONTAS DR FT WALTON BCH FL 32547	\$435.88
24-3N-22-2550-0014-0100	LNK DEVELOPMENT INC	930 POCAHONTAS DR FT WALTON BCH FL 32547	\$435.88
24-3N-22-2550-0015-0030	VITALE CYNTHIA	7221 ANGEL PLACE LANE CORRYTON TN 37721	\$435.88
24-3N-22-2550-0015-0080	MILTON PATRICK J II & J B	4695 FALCON WAY CRESTVIEW FL 32539	\$435.88
24-3N-22-2550-0015-0100	LNK DEVELOPMENT INC	930 POCAHONTAS DR FT WALTON BCH FL 325470000	\$435.88
24-3N-22-2550-0015-0120	DAVIS LYLE H	4703 FALCON WAY CRESTVIEW FL 32539	\$435.88
24-3N-22-2550-0015-0130	LENNARD NICHOLAS J	119 THURSTON PL CRESTVIEW FL 325365560	\$435.88
24-3N-22-2550-0015-0140	DIXON PATRICE L	5151 EAGLE WAY CRESTVIEW FL 32539	\$435.88

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