

RESOLUTION 2016-09

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING AND RESTATING ITS RESOLUTION 2015-12 INDICATING ITS INTENT TO USE THE UNIFORM METHOD OF COLLECTING THE NON-AD VALOREM ASSESSMENT, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR DRAINAGE IMPROVEMENTS AND MAINTENANCE FOR THE NORTH MALACOMPRA DRAINAGE BASIN DISTRICT AND SEPARATELY FOR THE MARINELAND ACRES DRAINAGE BASIN DISTRICT; ESTABLISHING MUNICIPAL SERVICES BENEFIT UNITS FOR SUCH DISTRICTS WITHIN UNINCORPORATED FLAGLER COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Flagler County, Florida (hereinafter, the "Board"), adopted its Resolution 2015-12 setting out its intent to utilize the uniform method of collecting non-ad valorem assessments under Section 197.3632, Florida Statutes, in order to collect assessments within the North MalaCompra Drainage Basin District and from the Marineland Acres Drainage Basin District; and

WHEREAS, the Board at previous workshops and meetings was provided the analysis and plans for the Drainage Basins to mitigate the flooding and pollution from the basin areas due to the absence of a master stormwater management plan for the Drainage Basins; and

WHEREAS, the assessments will be levied against the properties within the Districts created by Resolution 2015 – 12 that will specially benefit from the improvements to be constructed and the maintenance to be carried out by the County within the Districts; and

WHEREAS, the assessments will be levied against benefitted properties beginning in Fiscal Year 2016 – 2017 and continuing from year to year until modified or

terminated by the Board in order to pay for necessary improvements and maintenance within the Districts; and

WHEREAS, the Districts are established as Municipal Services Benefit Units pursuant to the County's Home Rule Power under the Florida Constitution and Florida Chapter 125; and

WHEREAS, the Flagler County Tax Collector and the Property Appraiser consented to the County adopting its intent to utilize the uniform method of collecting non-ad valorem assessments in Resolution 2015 – 12 on or before March 1, 2015, in accordance with Section 197.3632(3)(a), Florida Statutes, and have similarly consented to the adoption of this Amended and Restated Resolution; and

WHEREAS, Flagler County has published notice of its intent to adopt this Amended and Restated Resolution utilizing the uniform method of collecting non-ad valorem assessments beginning in Fiscal Year 2016-2017 and continuing from year to year until modified or terminated by the Board; and

WHEREAS, proof of publication of the required notice is attached as Exhibit B and the Board has held the duly advertised public hearing prior to adoption of this Amended and Restated Resolution.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Findings. The Board finds as follows:

A. The drainage improvements and maintenance proposed for the North MalaCompra Drainage Basin District and, separately, for the Marineland Acres Drainage Basin, as both are legally described in the attached Exhibit A, are necessary for the health, safety, and welfare of the property owners in these Districts, as well as

for the general benefit of the citizens of Flagler County, Florida.

B. The property owners of the Districts have or will experience storm water flooding adversely impacting public safety and degrading surrounding natural waterways as the area continues to develop and as the area experiences significant coastal storm events in the future.

C. The Board and its residents have invested significant resources to protect the land area of the Districts and the surrounding waterways through overlay zoning districts and environmental land acquisition and land management.

D. The Board has pursued significant storm mitigation measures and pursued funding for such measures from a variety of sources.

E. The problems in the Districts are compounded by the fact that most of the area is not served by any modern storm water system and much of the area is on septic systems.

F. The Board has sought outside consultation and financial assistance for additional protective measures for the properties within the Districts from a variety of sources, including private engineers, the Department of Environmental Protection, the Department of Transportation, the St. Johns Water Management District, the Florida Legislature, as well as obtaining input from the residents of the Districts and from other interested organizations and citizens.

G. The combined input from these sources has assisted the Board's staff to develop a master plan to address the flood hazard issues, including identifying alternative funding sources in order to have a financially feasible plan.

H. The Board's staff also has developed the master plan with the Districts partly

in conjunction with the National Scenic Byway for State Road A-1-A, in order to protect the scenic vistas and environmental resources of the A-1-A corridor bordered by the Districts.

I. The master plan's intent is to protect the neighborhoods and properties within the Districts from the hazards and consequences of storm water flooding from coastal events, including protecting the value of such properties and protecting the health of residents and their visitors.

J. It is the master plan's further intent to protect the waters of the Matanzas River and Intracoastal Waterway and their tributaries from pollution caused by untreated or poorly treated storm water runoff, septic tank leachate, and by flooding.

K. The master plan requires substantial basin improvements and ongoing maintenance above the levels of service provided by the Board to other unincorporated areas of the County.

L. Successful implementation of the master plan will require contributions from the property owners of lands within the Districts along with the funds the County is applying to implement the master plan.

M. The master plan improvements will be subject to permitting by the St. Johns River Water Management District, and it is the Board's further intent to collaborate with affected state agencies in completing and operating the improvements in the public interest.

N. The Board is contributing substantial lands it has purchased on the beach side and river side necessary for the installation and operation of the improvements, along with contributing funds from the Hammock Dunes Community Development

District funds which the Board sought and received to defray some of the project costs.

O. The Board is further contributing gas tax and local option sales tax to assist in the projects, as well as funding for professionals as consultants and for staff to work on the projects, along with personnel and equipment to perform the work.

P. The two Districts are distinct in their characteristics and needs and the master plan recognizes those distinctions, including the degree of capital improvements and operation and maintenance necessary for each District.

Q. The North MalaCompra Drainage Basin District will include enhancement of a backbone system to handle the stormwater from the entire district, including the creation of a new stormwater outfall, the improvement of existing outfall facilities, the acceptance of maintenance responsibility of portions of the existing outfall facility, along with the ongoing operation and maintenance of the entire backbone system.

R. The Marineland Acres Drainage Basin District is an area contained within the North MalaCompra Drainage Basin District. It will separately require the installation of a stormwater pond treatment facility, a main stormwater collection trunk line for conveying stormwater down Central Avenue, a system of stormwater collection laterals for each street within the District to directly collect stormwater runoff from lots, along with the required ongoing operation and maintenance of such improvements.

S. The assessment rates for each District are accordingly different and the creation of two Districts is the most efficient and economical means of addressing their different needs. The assessment rates to be set will be fairly and reasonably apportioned among the specially benefitted properties within each District and also between each District.

T. The Board is choosing to utilize the uniform method of collecting non-ad valorem assessments under Section 197.3632, Florida Statutes, as the most practical, fair and efficient way to collect assessments within the Districts from the owners of property that will benefit from the improvements and their ongoing operation and maintenance.

U. The Flagler County Tax Collector and the Property Appraiser agreed with the Board's utilization of the uniform method specified in Resolution 2015-12 in accordance with Section 197.3632(3)(a) and have agreed similarly with this Amended and Restated Resolution.

V. Flagler County published notice of its intent to adopt this Amended and Restated Resolution to utilize the uniform method of collecting non-ad valorem assessments for the 2016-2017 fiscal year and continuing thereafter until modified or terminated by the Board.

Section 2. Adoption of Uniform Method of Collecting Non-Ad Valorem Assessments.

The Board hereby reaffirms its adoption of the uniform method of collecting non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, within each of the Districts. For the 2016-2017 fiscal year and on the tax statement mailed out during such fiscal year, and continuing thereafter from year to year until modified or terminated by the Board, the County shall use the uniform method of collection of non-ad valorem assessments for drainage improvements and maintenance in the North MalaCompra Drainage Basin District and for the Marineland Acres Drainage Basin District, as each are legally described in Exhibit A hereto. Such non-ad valorem assessments shall be

levied against properties in the Districts as determined by further public hearing by the Board on or before September 15, 2016, after a noticed public hearing. As provided by Section 197.3632, Florida Statutes, the property owners of the Districts who shall receive mailed notice of the hearing will have the opportunity to testify and file any written objections with the Board concerning the proposed assessments. Geographic maps of the Districts are attached hereto as Exhibit C and all exhibits to this Amended and Restated Resolution are incorporated herein by reference.

Section 3. Establishment of Districts as Municipal Services Benefit Units.

The North MalaCompra Drainage Basin District and the Marineland Acres Drainage Basin District are hereby established as Municipal Services Benefit Units pursuant to the County's Home Rule Power under the Florida Constitution and Florida Statutes, Chapter 125. Each lot located within each of the Districts is subject to the non-ad valorem assessment levied for that District. A lot is defined as any lot of a platted subdivision, whether recorded or unrecorded, or any parcel of land that is otherwise divided or established within the respective District (hereafter described as a "lot" for the purpose of levying an assessment in accordance with this Resolution). Lots under single ownership and legally joined shall count as one lot. Lots physically joined by virtue of a structure across a lot line shall count as one lot. Lots owned by governmental entities are exempt. The lots of each District are and shall be specially benefitted by the services, facilities, programs and improvements funded by the assessments within their respective Districts. The assessments authorized herein are and shall be fairly and reasonably apportioned among the specially benefitted lots within

each District. Further, the assessments are and shall be proportional to the costs and benefits of the improvements and maintenance for each respective District.

Section 4. Administration and Effective Date.


The County Administrator is hereby directed to deliver a certified copy of this Amended and Restated Resolution to the State of Florida Department of Revenue, the Flagler County Tax Collector, and the Flagler County Property Appraiser on or before March 10, 2016. This Amended and Restated Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this 15TH day of February, 2016, by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Government Services Building, Bunnell, Florida.

ATTEST:

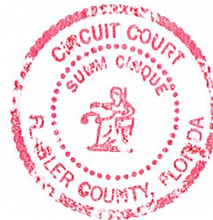

Gail Wadsworth
Clerk of Circuit Court & Comptroller

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**


Barbara S. Revels, Chair

APPROVED AS TO FORM:


Albert J. Hadeed, County Attorney




HEREBY CERTIFY this to be a true
And correct copy of the original
GAIL WADSWORTH
CLERK OF COURTS
By 

EXHIBIT A

NORTH MALACOMPRA DRAINAGE BASIN DISTRICT

Legal Description

The district shall be bordered to the west by N. Oceanshore Boulevard (SR A1A); to the south by MalaCompra Road; to the east by the Atlantic Ocean; and to the north by a private drive called Oceanside Drive, as extended east to the Atlantic Ocean and inclusive of the two houses/lots at the end of Oceanside Drive.

MARINELAND ACRES DRAINAGE BASIN DISTRICT

Legal Description

The district shall be bordered to the west by N. Oceanshore Boulevard (SR A1A); to the south by Bay Drive as extended easterly to the Atlantic Ocean; to the east by the Atlantic Ocean; and to the north by a private drive called Oceanside Drive, as extended east to the Atlantic Ocean and inclusive of the two houses/lots at the end of Oceanside Drive, less and except the Rollins Dunes Subdivision (Plat Book 29, Page 22).

EXHIBIT B

NORTH MALACOMPRA DRAINAGE BASIN DISTRICT

AND

MARINELAND ACRES DRAINAGE BASIN DISTRICT

Proof of Publication

**Flagler/Palm Coast
NEWS-TRIBUNE**

Published Each Wednesday and Saturday
Flagler County, Florida

**State of Florida,
County of Flagler**

Before the undersigned authority personally appeared

Rachael Smith

who, on oath says that she is

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

NT 2175793

in the Court,
was published in said newspaper in the issues.....

JANUARY 16, 23, 30, FEBRUARY 6, 2016

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and Saturday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

[Signature]
.....

Sworn to and subscribed before me

This **8TH** of **FEBRUARY**

A.D. 2016

[Signature]

49D



**NOTICE BY THE FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS
OF INTENT TO USE
THE UNIFORM AD VALOREM
METHOD OF COLLECTION OF
A NON-AD VALOREM ASSESSMENT**

Notice is hereby given to all owners of lands located within the boundaries of the North MalaCompra Drainage Basin District and the Marineland Acres Drainage Basin District in unincorporated Flagler County that Flagler County intends to use the uniform ad valorem method for collecting non-ad valorem assessments levied by Flagler County as set forth in Section 197.3632, F.S. For this purpose, the Flagler County Board of County Commissioners will hold a public hearing on February 15, 2016, at 5:30 p.m. or soon thereafter as the matter may be heard, at the Flagler County Government Services Building, 1769 East Moody Blvd., Bldg. 2, Bunnell, FL 32110.

The purpose of the public hearing is to consider the adoption of an amending resolution authorizing the Flagler County Board of County Commissioners to use the uniform ad valorem method of collecting non-ad valorem assessments levied by the Flagler County Board of County Commissioners as provided in Section 197.3632, F.S. The original resolution was adopted on February 16, 2015, as Resolution 2015-12.

The Flagler County Board of County Commissioners is considering adopting a non-ad valorem assessment for the 2016-2017 fiscal year and continuing thereafter annually for drainage improvements and maintenance in the North MalaCompra Drainage Basin District and separately for the Marineland Acres Drainage Basin District.

This non-ad valorem assessment is being levied for the first time for the 2016-2017 fiscal year. The North MalaCompra Drainage Basin District covers the area bounded on the south by MalaCompra Road, to the west by State Road A-1-A, to the north by Washington Oaks State Park and to the east by the Atlantic Ocean subject to such deletions as may be determined should the Board of County Commissioners determine to levy a non-ad valorem assessment.

The Marineland Acres Drainage Basin District is wholly located within the North MalaCompra Drainage Basin District but requires additional capital improvements and ongoing maintenance than is required for the larger North MalaCompra Drainage Basin District. The Marineland Acres Drainage Basin District covers the area bounded on the south by Bay-Drive, to the west by State Road A-1-A, to the north by Washington Oaks State Park, and to the east by the Atlantic Ocean, except the Rollins Dunes Subdivision.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments. This hearing is not for the purpose of adopting or levying an assessment.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony, and evidence on which the appeal is based.

NT2175793 Jan 16, 23, 30, Feb 6, 2016 4t

EXHIBIT C

NORTH MALACOMPRA DRAINAGE BASIN DISTRICT

AND

MARINELAND ACRES DRAINAGE BASIN DISTRICT

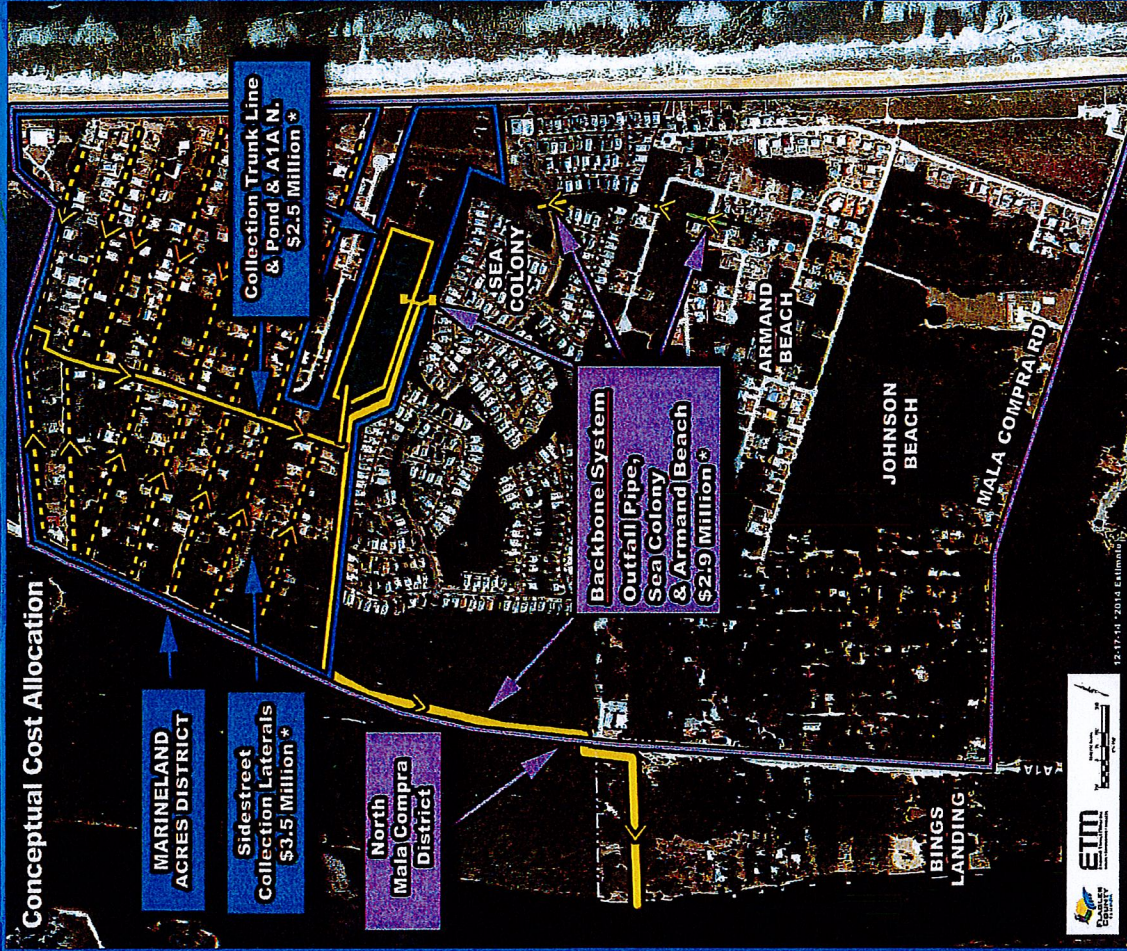
Geographic Maps

NORTH MALA COMPRADISTRICT

- Overall Area
- North of Mala Comprard
- East of A1A
- South of Washington Oaks

MARINELAND ACRESDISTRICT

- Subarea
- North of Sea Colony



MARINELAND ACRES STORMWATER DISTRICT

39-10-31-0000
03010-0000
267.23 AC
F/DNR-DIV REC & PARKS

17-10-31-0000
02030-0000
34.00 AC
TIIF/DNR

17-10-31-0000
03040-0000
10.00 AC

39-10-31-0000
04050-0000
73.38 AC
TIIF/DNR

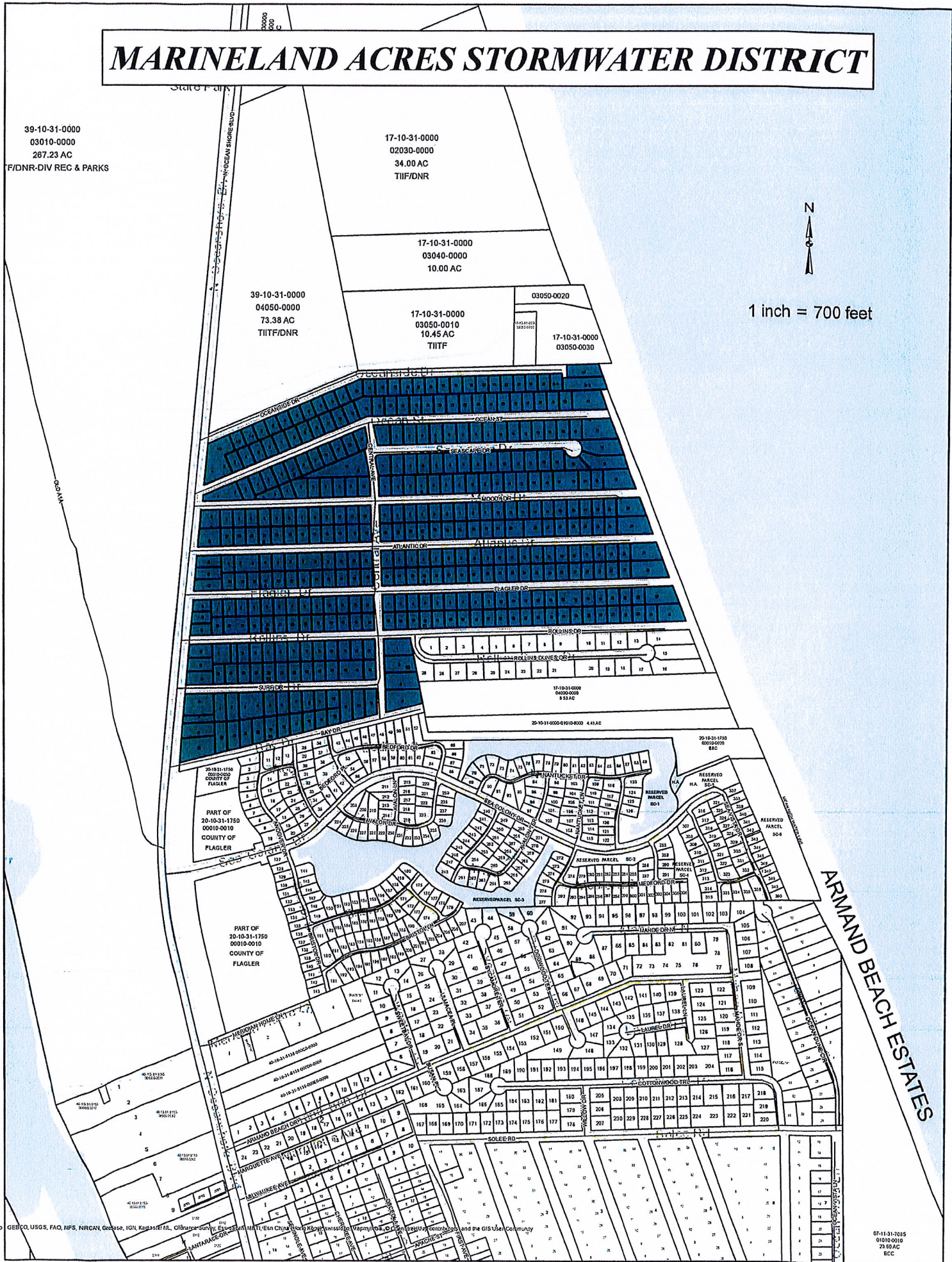
17-10-31-0000
03050-0010
10.45 AC
TIIF

03050-0020

17-10-31-0000
03050-0030



1 inch = 700 feet



ARMAND BEACH ESTATES

Map prepared by GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kagis, etc. All data is the property of the respective agencies and the GIS User Community.

NORTH MALA COMPRA STORMWATER DISTRICT

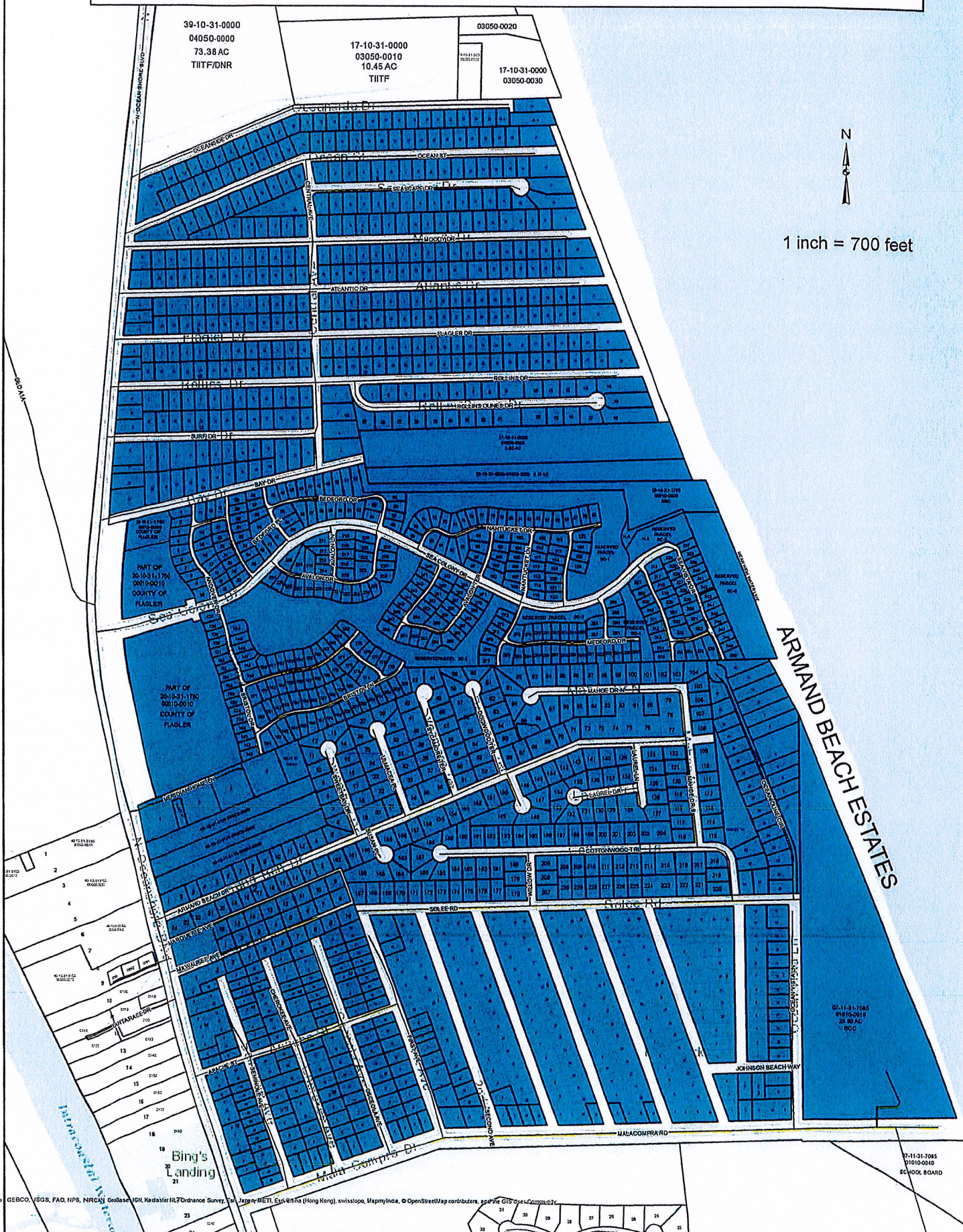
39-10-31-0000
04050-0000
73.38 AC
TIITF/DNR

17-10-31-0000
03050-0010
10.45 AC
TIITF

03050-0020
17-10-31-0000
03050-0030



1 inch = 700 feet



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07-11-31-7085
23.80 AC
BCD

Bing's Landing
21

