

RESOLUTION NUMBER NO. 02-01-07

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE 2006 FINAL ASSESSMENT RESOLUTION (RESOLUTION 28-08-06) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR CORRECTION OF ERRORS AND OMISSIONS IN ASSESSMENT ROLLS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 9, 2006, the District adopted the 2006 Final Assessment Resolution (No. 28-08-06); and

WHEREAS, the District has decided to amend the 2006 Final Rate Assessment Resolution in order to address cases where the use of the Tax Parcel changes in a way that may tend to increase or decrease the demand on the District Wastewater Facilities;

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Key Largo Wastewater Treatment District, as follows:

Section 1. Section 5.03.C of the 2006 Final Assessment Resolution is amended to read as follows:

C. The District shall not be required to refund any portion of a prepayment.

Section 2. Section 5.04.D of the 2006 Final Assessment Resolution is amended to read as follows:

D. The District shall not be required to refund any portion of a prepayment.

Section 3. A new Section 5.05 is added to the 2006 Final Assessment Resolution, to read as follows:

SECTION 5.05. CHANGE IN USE OF A TAX PARCEL.

A. The calculation of an SDC for a Tax Parcel is made on the basis of state of development of the Tax Parcel known to exist at the time of calculation of the SDC, using one of the applicable land use classifications in Section 4.03. This Section 5.05 addresses situations where the use of the Tax Parcel changes in a way that may tend to increase or decrease the demand on the District Wastewater Facilities.

B. The District will recalculate the SDC for a Tax Parcel when the District becomes aware that the use of the Tax Parcel will change in a way that may tend to increase or decrease the demand on the District Wastewater Facilities. If, as a result of the change in use, the land use classification applicable to the Tax Parcel under Section 4.03 will change, the District will recalculate the SDC for that Tax Parcel by applying the land use classification that describes the new use of the Tax Parcel. If necessary, the District will use a reasonable method to estimate the projected water use of for the Tax Parcel by using available data or an estimating methodology that is generally applied in the State of Florida for such purposes. If, the long-term pattern of actual water consumption is shown to be greater or less than the projected water use, the District may, at the request of the owner of the Tax Parcel, or at the District's own instance, adjust the SDC for that Tax Parcel based on the long-term pattern of actual water consumption. After such adjustment, future assessment calculations for that Tax Parcel will reflect the adjusted SDC.

Following are examples of the types of changes in use that may result in recalculation of SDC's:

1. Development of a new hotel on the site of a former marina. This is a change in use that may result in an increase in the demand on District Wastewater Facilities. In this case, historical data may not be helpful in predicting that demand. The District would recalculate the SDC for the parcel using a reasonable estimating methodology.
 2. Change from a 20-unit RV park to a 20 unit hotel. The classification of service for the parcel (Commercial Accommodation Service) would not change. However, the sewage generated by hotels on a per-unit basis is generally higher than the sewage generated by RV parks. The District would recalculate the SDC for the parcel using a reasonable estimating methodology.
 3. Change from a 20-unit hotel to a 25-unit hotel. The classification of service for the parcel (Commercial Accommodation Service) would not change. However, the District would review the plans for the facility to determine whether the SDC for the parcel should be revised.
- C. If the adjustment to the SDC for a Tax Parcel results in an annual assessment that is greater than the amount shown in the Notice of Public Hearing sent to the owner of the

Tax Parcel as required by the Uniform Assessment Collection Act, the District will hold a public hearing prior to making the adjustment described in Section 5.05.B.

Section 3. This amendment shall be known as Amendment 5 to the 2006 Final Assessment Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption by the District.

The foregoing RESOLUTION NO. 02-01 07 was offered by Commissioner Higgins, who moved its approval. The motion was seconded by Commissioner Tobin, and being put to a vote the result was as follows:

| | AYE | NAY |
|-----------------------------|----------|-------|
| Commissioner Gary Bauman | <u>X</u> | _____ |
| Commissioner Susan Hammaker | <u>X</u> | _____ |
| Commissioner Andrew Tobin | <u>X</u> | _____ |
| Commissioner Norman Higgins | <u>X</u> | _____ |
| Chairman Claude Bullock | <u>X</u> | _____ |

The Chairman thereupon declared Resolution No. 02-01-07 duly passed and adopted the 9th day of January 2007.

KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD

By Claude M. Bullock
Claude Bullock, Chairman

Attest:

Approved as to form and content:

By Carol Walker
Carol Walker, Board Clerk

By Thomas M. Allen
District Counsel

