

RESOLUTION NO. 48-06-12

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROY AND LEAH BLACK FOR REMOVAL OF ONE TAX PARCEL FROM THE 2012 PRELIMINARY NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District approved the request of the property owners, Roy and Leah Back to waive service to the parcel described in Section 2; and

WHEREAS, the Key Largo Wastewater Treatment District has determined the parcel described in Section 2 is adjacent to the parcel described in Section 1 which is receiving service, and that the two parcels are developed and used as a single property; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT;

Section 1.

PARCEL ID: 00569041-004900
AK NO. 1696714
PARCEL DESCRIPTION: BK LT 62 OCEAN REEF SHORES KEY LARGO PB6-75
OR779-696 OR813-800/820 OR955-2206 OR955-2207
OR970-1220 OR1051-823QC/JB OR1051-824/JB
OR1565-1906/07(CW)

Section 2.

PARCEL ID: 1696706
AK NO. 00569041-004800
PARCEL DESCRIPTION: BK LT 61 OCEAN REEF SHORES KEY LARGO PB6-75
OR779-696 OR813-800/820 OR955-2206 OR955-2207
OR970-1220 OR1051-823QC/JB OR1051-824/JB
OR1565-1906/07(CW)

Section 3.

The Key Largo Wastewater Treatment District Board of Commissioners does hereby exclude the lot designated above in Section 2 from the Preliminary Key Largo Wastewater Treatment District 2012 No Ad-Valorem Assessment.

Section 4.

APPLICABILITY AND EFFECTIVE DATE.

This resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 19th DAY OF JUNE 2012

The foregoing RESOLUTION was offered by Commissioner BROOKS, who moved its approval. The motion was seconded by Commissioner Higgins, and being put to a vote the result was as follows:

| | AYE | | NAY |
|-----------------------|----------|---------------|-------|
| Chairman Majeska | _____ | <i>ABSENT</i> | _____ |
| Commissioner Hammaker | <u>X</u> | | _____ |
| Commissioner Brooks | <u>X</u> | | _____ |
| Commissioner Tobin | _____ | <i>ABSENT</i> | _____ |
| Commissioner Higgins | <u>X</u> | | _____ |

The Chairman thereupon declared Resolution No. 048-01-12 duly passed and adopted the 19th day of June, 2012.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Acting Chairman Hammaker

ATTEST:

[Signature]
Carol Walker, District Clerk

Approved to as to form and legal sufficiency

[Signature]
General Counsel, Ray Giglio

SEAL



This document prepared by (and after recording return to):)
)
Name: Key Largo Wastewater)
 Treatment District)
Address: P.O. Box 491)
City, State, Zip: Key Largo, FL 33037-0491)
Phone: 305-451-4019)

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Property Appraiser Parcel Identification Number(s) = Serve AK#: 1696714 Waive AK#: 1696706

KEY LARGO WASTEWATER TREATMENT DISTRICT
 WAIVER OF WASTEWATER SERVICE
 AND
 ACKNOWLEDGEMENT OF POTENTIAL COSTS

THIS WAIVER of wastewater service and acknowledgement of potential costs is executed on the date(s) shown below:

WHEREAS, the purpose of the non-ad valorem assessments is to recover a portion of the costs of providing wastewater service to the Tax Parcels listed in Attachment A; and

WHEREAS, the undersigned are all of the owners of the Tax Parcels listed in Attachment A; and

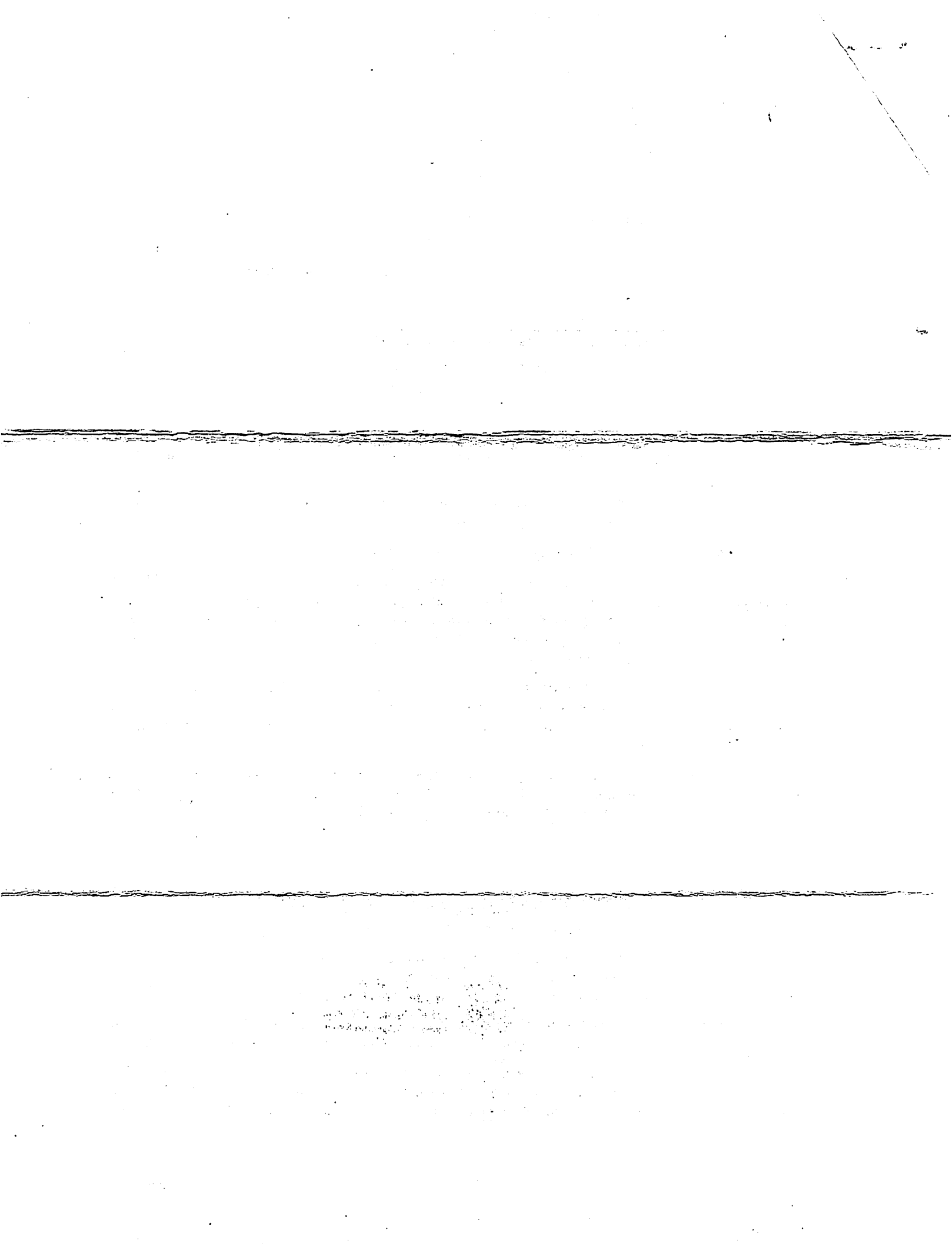
WHEREAS, in order to induce the District to waive the non-ad valorem assessment against one or more of the Tax Parcels listed in Attachment A ("Excluded Parcels"), (1) the undersigned are certifying that the Tax Parcels listed in Attachment A are being utilized as a single parcel for development purposes, and that the undersigned do not intend to separate the parcels for development, and (2) the undersigned are waiving their right to receive wastewater service to the Excluded Parcels; and

WHEREAS, even though the Excluded Parcels will not receive wastewater service at this time, the Excluded Parcels will nevertheless receive a special benefit from construction by the District of wastewater collection, transmission, and treatment facilities, but relying on the representations above, the District is willing to forego an assessment against the Excluded Parcels at this time; and

WHEREAS, the District has advised the undersigned that, if they or their successors desire to have wastewater service provided to any of the Excluded Parcels the cost to the District, and the cost to the undersigned persons or their successors, of providing the service will be significantly greater than the costs of providing service at this time;

NOW, THEREFORE, in consideration of the premises and in further consideration of the promises below, the undersigned agree:

1. The undersigned certify that they are all of the owners, or legal representatives of all of the owners, of the Tax Parcels, as shown in the records of the Monroe County Property Appraiser, listed in Attachment A.
2. The undersigned certify that they desire to receive wastewater service to the Tax Parcel listed in Attachment A and designated as the Tax Parcel receiving wastewater service, and further hereby waive their right to receive wastewater to the Tax Parcel(s) listed in Attachment A and designated as Excluded Parcel(s).
3. The undersigned certify that the Tax Parcels listed in Attachment A are being utilized as a single parcel for development purposes, and that the undersigned do not intend to separate the parcels for development.
4. If the District later provides Wastewater Service to an Excluded Parcel, the then-current owner(s) shall be required to pay to the District an amount fairly representing the special benefit that the Tax Parcel will receive, as determined by the District. The undersigned understand and acknowledge that the amount



charged at the time of later connection is expected to be significantly greater than the non-ad valorem assessment.

5. In reliance on the certifications and statements of the undersigned, the District will forego its right to impose the non-ad valorem assessment on the excluded parcels.
6. The District will advise the Monroe County Tax Collector to remove the assessment(s) against the Excluded Parcel(s). The District has been advised by the Monroe County Tax Collector that upon receipt of such advice, the Monroe County Tax Collector will issue amended tax bills reflecting the removal of the assessment(s) from the Excluded Parcels. If the assessment(s) have already been paid, the District will take steps to refund the amount(s) received by the District to the then-current owner(s) of the Excluded Parcels. However, the District will not be obligated to refund any amounts charged by the Monroe County Tax Collector for collecting the assessment(s).
7. The District acknowledges receipt of an administrative fee of \$200.00.
8. The undersigned mortgagee(s) hereby consent to this waiver of wastewater service and acknowledgement of potential costs, and all of its terms.
9. This waiver and all of its terms shall be binding upon, and inure to the benefit of, the signatories, their successors and assigns, and all subsequent owners of the Tax Parcels listed in Attachment A, and each of them.

IN WITNESS WHEREOF, the undersigned, comprising all of the owners of the Tax Parcels listed in Attachment A have executed this waiver of wastewater service and acknowledgement of potential costs on the dates shown opposite their names.

Signed, Sealed and Delivered in the presence of these Witnesses (one of whom may be the Notary):

Sign: [Signature]
Owner or Co-Owner Roy Black

Sign: _____
Owner or Co-Owner

Sign: [Signature]
Owner or Co-Owner Leah Black

Sign: _____
Owner or Co-Owner

Sign: _____
Witness

Sign: _____
Witness

STATE OF: Florida

COUNTY OF: Miami-Dade

The foregoing instrument was acknowledged before me this June 5, 2012 (date), by Roy Black and Leah Black (name(s)), who is personally known to me or who has produced _____ (type of identification) as identification.

[Signature]
Notary Public

Wanda Gomez
Printed Name



(NOTARY SEAL)

WANDA GOMEZ
MY COMMISSION # EE 115012
EXPIRES: November 22, 2015
Bonded Thru Budget Notary Services

Commission Expiration Date

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EXHIBIT 10
MAY 19 1964
U.S. DEPARTMENT OF JUSTICE



WAIVER OF WASTEWATER SERVICE
AND
ACKNOWLEDGEMENT OF POTENTIAL COSTS

Attachment A

Tax Parcel receiving wastewater Service:

Alternate Key Number: 1696714
RE Number: 00569041-004900
Physical Location: 172 VALOIS BLVD KEY LARGO
Legal Description: BK LT 62 OCEAN REEF SHORES KEY LARGO PB6-75 OR779-696
OR813-800/820 OR955-2206 OR955-2207 OR970-1220 OR1051-
823QC/JB OR1051-824/JB OR1565-1906/07(CW)

Excluded Parcels:

Excluded Parcel No. 1:

Alternate Key Number: 1696706
RE Number: 00569041-004800
Physical Location: VACANT LAND, KEY LARGO
Legal Description: BK LT 61 OCEAN REEF SHORES KEY LARGO PB6-75
OR779-696 OR813-800/820 OR955-2206 OR955-2207
OR970-1220 OR1051-823QC/JB OR1051-824/JB
OR1565-1906/07(CW)