

**RESOLUTION NO. 09-04-13**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS**  
**APPROVING THE REQUEST OF THE CHURCH OF**  
**NAZARENE FOR REMOVAL OF FOUR TAX PARCEL**  
**FROM THE 2005 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, The Church of Nazarene to waive service to the parcels described in Section 2; and

WHEREAS, the Key Largo Wastewater Treatment District has determined the parcels described in Section 2 are adjacent to the parcel described in Section 1 which is receiving service, and that the four 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: 00524640-00000  
AK NO. 1643882  
PARCEL DESCRIPTION: BK 8 LT 3 AMD PLAT OF PB3-62 KEY LARGO PARK  
KEY LARGO OR491-781 OR2602-814/15

**Section 2.**

PARCEL ID: 00525020-000000  
AK NO. 1644269  
PARCEL DESCRIPTION: BK 8 LT 40 AMD PLAT OF PB3-62 KEY LARGO PARK  
KEY LARGO OR491-781 OR2602-814/15

PARCEL ID: 00524650-000000  
AK NO. 1643891  
PARCEL DESCRIPTION: BK 8 LT 4 AMD PLAT OF PB3-62 KEY LARGO PARK  
KEY LARGO OR491-781 OR2602-814/15

PARCEL ID: 00525030-000000  
AK NO. 1644277  
PARCEL DESCRIPTION: BK 8 LT 41 AMD PLAT OF PB3-62 KEY LARGO PARK  
KEY LARGO OR491-7

PARCEL ID: 00524630-000000  
AK NO. 1643874  
PARCEL DESCRIPTION: BK 8 LT 2 AMD PLAT OF PB3-62 KEY LARGO PARK  
KEY LARGO OR491-781 OR2602-814/15

**Section 3.**

The Key Largo Wastewater Treatment District Board of Commissioners does hereby exclude the lots designated above in Section 2 from the Preliminary Key Largo Wastewater Treatment District 2005 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 9<sup>th</sup> DAY OF APRIL, 2013

The foregoing RESOLUTION was offered by Commissioner Tobin, 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	<u>✓</u>	<u>—</u>
Commissioner Asdourian	<u>—</u>	<u>X</u>
Commissioner Gibbs	<u>✓</u>	<u>—</u>
Commissioner Tobin	<u>X</u>	<u>—</u>
Commissioner Higgins	<u>X</u>	<u>—</u>

The Chairman thereupon declared Resolution No. 09-03-13 duly passed and adopted the 9<sup>th</sup> day of April, 2013

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]  
Chairman Majeska

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#: 1643882 Waive AK#: 1644269, 1643891, 1644277, 1643874

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, on DATE, the Key Largo Wastewater Treatment District ("District") adopted a Final Assessment Resolution levying non-ad valorem assessments against each of the Tax Parcels listed in Attachment A under and in accordance with Chapter 197.3632, Florida Statutes; and

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: Mel Santesteban  
Owner or Co-Owner

Sign: \_\_\_\_\_  
Owner or Co-Owner

Sign: \_\_\_\_\_  
Owner or Co-Owner

Sign: \_\_\_\_\_  
Owner or Co-Owner

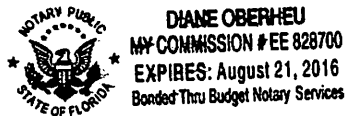
Sign: Annexa Torrey  
Witness

Sign: \_\_\_\_\_  
Witness

STATE OF: Florida

COUNTY OF: Monroe

The foregoing instrument was acknowledged before me this 3/19/13 (date), by Mel Santesteban (name(s)), who is personally known to me or who has produced Drivers license (type of identification) as identification.



(NOTARY SEAL)

[Signature]  
Notary Public

Diane Oberheu  
Printed Name

Aug 21, 2016  
Commission Expiration Date

**WAIVER OF WASTEWATER SERVICE  
AND  
ACKNOWLEDGEMENT OF POTENTIAL COSTS  
Attachment A**

**Tax Parcel receiving wastewater Service:**

Alternate Key Number: 1643882  
RE Number: 00524640-000000  
Physical Location: 100390 OVERSEAS HWY, KEY LARGO  
Legal Description: BK 8 LT 3 AMD PLAT OF PB3-62 KEY LARGO PARK KEY LARGO  
OR491-781 OR2602-814/15

**Excluded Parcels:**

**Excluded Parcel No. 1:**

Alternate Key Number: 1644269  
RE Number: 00525020-000000  
Physical Location: VACANT LAND KEY LARGO  
Legal Description: BK 8 LT 40 AMD PLAT OF PB3-62 KEY LARGO PARK KEY  
LARGO OR491-781 OR2602-814/15

**Excluded Parcel No. 2:**

Alternate Key Number: 1643891  
RE Number: 00524650-000000  
Physical Location: VACANT LAND KEY LARGO  
Legal Description: BK 8 LT 4 AMD PLAT OF PB3-62 KEY LARGO PARK KEY  
LARGO OR491-781 OR2602-814/15

**Excluded Parcel No. 3:**

Alternate Key Number: 1644277  
RE Number: 00525030-000000  
Physical Location: VACANT LAND KEY LARGO  
Legal Description: BK 8 LT 41 AMD PLAT OF PB3-62 KEY LARGO PARK KEY  
LARGO OR491-781

**Excluded Parcel No. 4:**

Alternate Key Number: 1643874  
RE Number: 00524630-000000  
Physical Location: VACANT LAND KEY LARGO  
Legal Description: BK 8 LT 2 AMD PLAT OF PB3-62 KEY LARGO PARK KEY  
LARGO OR491-781 OR2602-814/15