

**RESOLUTION NO. 12-04-13**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS**  
**APPROVING THE REMOVAL OF ONE TAX PARCEL**  
**FROM THE 2012 NON-AD VALOREM ASSESSMENT;**  
**AND PROVIDING FOR APPLICABILITY AND AN**  
**EFFECTIVE DATE.**

WHEREAS, the Key Largo Wastewater Treatment District (hereinafter "District") has determined that it will not provide wastewater infrastructure to serve the Tax Parcel shown in Section 1; and

WHEREAS, The District has previously levied Non-Ad Valorem Assessments for the Tax year 2012 for the Parcel shown in Section 1; and

WHEREAS, The District desires to cause refunds and/or credits to be made for all payments made on account of non-ad valorem assessments levied against the parcel;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSITHREERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT:**

**Section 1.**

PARCEL ID: 00565410-000000  
AK NO.: 1692506  
PARCEL DESCRIPTION: BK 5 LT 9 GULFSTREAM SHORES PB3-61 KEY LARGO  
OR531-928 OR541-127 OR811-2110 OR928-2373 OR1104-1532  
OR1471-2331

**Section 2.** The Key Largo Wastewater Treatment District Board of Commissioners does hereby exclude the deleted tax parcel designated above from the Key Largo Wastewater Treatment District's 2012 Non-ad Valorem Assessment, provided that if the District in its sole discretion later provides Wastewater Service to any of the Excluded Parcels, the then-current owner(s) shall be required to pay to the District all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the Tax Parcel(s) will receive, as determined by the District. The amount charged at the time of later connection is expected to be significantly greater than the 2008 non-ad valorem assessment.

**Section 3.** The District hereby authorizes the Monroe County Tax Collector to credit the Tax Parcels shown in Section 1 with all payments received on account of them, following the Monroe County Tax Collector's standard methodology as directed by the District.

**Section 4.** APPLICABILITY AND EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of Commissioners

RESOLVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF APRIL 2013

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

	AYE	NAY
Chairman Majeska	— <u>ABSENT</u>	—
Commissioner Gibbs	— <u>ABSENT</u>	—
Commissioner Tobin	— <u>✓</u>	—
Commissioner Higgins	— <u>✓</u>	—
Commissioner Asdourian	— <u>✓</u>	—

The Chairman thereupon declared Resolution No. 12-04-13 duly passed and adopted the 23<sup>rd</sup> day of April 2013

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]  
Acting Chairman Tobin

ATTEST:  
[Signature]  
Carol Walker, District Clerk

Approved to as to form and legal sufficiency  
[Signature]  
General Counsel, Ray Giglio



**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#: 1692514 Waive AK#: 1692506**

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 August 21, 2012, 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: *Bryant*  
Owner or Co-Owner

Sign: *Nancy*  
Owner or Co-Owner

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

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

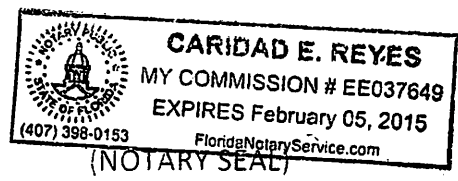
Sign: *John I. Lewis*  
Witness

Sign: *Paulette Sullivan*  
Witness

STATE OF: FL.

COUNTY OF: Monroe

The foregoing instrument was acknowledged before me this 04-05-2013 (date), by Bryant & Nancy (name(s)), who is personally known to me or who has produced FL DL (type of identification) as identification.



*Caridad E. Reyes*  
Notary Public  
Caridad E. Reyes  
Printed Name  
02-05-15  
Commission Expiration Date

WAIVER OF WASTEWATER SERVICE  
AND  
ACKNOWLEDGEMENT OF POTENTIAL COSTS

Attachment A

**Tax Parcel receiving wastewater Service:**

Alternate Key Number: 1692514  
RE Number: 00565420-000000  
Physical Location: 20 OCEAN DR KEY LARGO  
Legal Description: BK 5 LT 10 GULFSTREAM SHORES PB3-61 KEY LARGO OR613-139  
OR818-55 OR902-1711 OR971-205 OR983-529 OR1138-2142  
OR1181-1428/30 OR1188-1723/25 OR1265-1475

**Excluded Parcels:**

**Excluded Parcel**

Alternate Key Number: 1692506  
RE Number: 00565410-000000  
Physical Location: VACANT LAND KEY LARGO  
Legal Description: BK 5 LT 9 GULFSTREAM SHORES PB3-61 KEY LARGO  
OR531-928 OR541-127 OR811-2110 OR928-2373  
OR1104-1532 OR1471-2331