

RESOLUTION NO. 28-08-13

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF PAUL AND LISA TOLLI FOR REMOVAL OF ONE TAX PARCEL FROM THE 2008 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 owner, Paul and Lisa Tolli 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 parcel in Section 1 is 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: 00498830-000000
AK NO. 1616681
PARCEL DESCRIPTION: BK 5 LT 2 KEY LARGO OCEAN SHORES ADDN-KEY LARGO-PB4-124OR512-650 OR1239-1739(BLM) OR1467-2334(JB) OR1595-1717C(ND)

Section 2.

PARCEL ID: 00498820-000000
AK NO. 1616672
PARCEL DESCRIPTION: BK 5 LT 1 KEY LARGO OCEAN SHORES ADDN-KEY LARGO PB4-124 OR512-650 OR1239-1739 OR1467-2334 OR1570-253Q/C(LG) OR1595-1717C(ND)

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 2008 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 20th DAY OF AUGUST, 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>X</u>	_____
Commissioner Asdourian	<u>X</u>	_____
Commissioner Gibbs	<u>X</u>	_____
Commissioner Tobin	<u>X</u>	_____
Commissioner Higgins	<u>X</u>	_____

The Chairman thereupon declared Resolution No. 28-08-13 duly passed and adopted the 20th day of Aug., 2013

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: *[Signature]*
Chairman Majeska

ATTEST:

Approved to as to form and legal sufficiency

[Signature]
Carol Walker, District Clerk

[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#: 1616672 Waive AK#: 1616681

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 June 17, 2008, 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: Paul Tolle
Owner or Co-Owner

Sign: Isabelle
Owner or Co-Owner

Sign: _____
Owner or Co-Owner

Sign: _____
Owner or Co-Owner

Sign: [Signature]
Witness

Sign: [Signature]
Witness

STATE OF: Florida
COUNTY OF: Monroe

The foregoing instrument was acknowledged before me this 8/15/13 (date), by Paul + Lisa Tolle (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

8/21/16
Commission Expiration Date

WAIVER OF WASTEWATER SERVICE
AND
ACKNOWLEDGEMENT OF POTENTIAL COSTS

Attachment A

Tax Parcel receiving wastewater Service:

Alternate Key Number: 1616672
RE Number: 00498820-000000
Physical Location: 153 CORRINE PL KEY LARGO
Legal Description: BK 5 LT 1 KEY LARGO OCEAN SHORES ADDN-KEY LARGO PB4-124
OR512-650 OR1239-1739 OR1467-2334 OR1570-253Q/C(LG)
OR1595-1717C(ND)

Excluded Parcels:

Excluded Parcel No. 1:

Alternate Key Number: 1616681
RE Number: 00498830-000000
Physical Location: VACANT LAND KEY LARGO
Legal Description: BK 5 LT 2 KEY LARGO OCEAN SHORES ADDN-KEY
LARGO-PB4-124OR512-650 OR1239-1739(BLM)
OR1467-2334(JB) OR1595-1717C(ND)

4