

RESOLUTION NO. 02-04-14

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF MM102.421, LLC (SHAWN TOLLEY) FOR REMOVAL OF TWO TAX PARCEL FROM THE 2006 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, MM 102.421, LLC, (Shawn Tolley) to waive service to the parcels 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.

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

Section 1.

PARCEL ID: 00543210-000000
AK NO. 1666734
PARCEL DESCRIPTION: SQR 1 LOTS 10 AND 11 BAHIA MAR EST KEY LARGO OR595-870 OR846-2286Q/C OR902-170Q/C OR1109-772 OR1401-1546/48Q/C OR1401-1549/51Q/C OR1401-1552/53AFF OR1401-1554D/C OR1401-1557/63TRUST OR2181-2324Q/C OR2443-2093 OR2443-2094

Section 2.

PARCEL ID: 00543230-000000
AK NO. 1666751
PARCEL DESCRIPTION: BK 1 LT 13 BAHIA MAR EST PB4-79 KEY LARGO OR595-870 OR846-2286 OR902-170 OR1109-772 OR1401-1546/48 OR1401-1549/51 OR1401-1552/53AFF OR1401-1554D/C OR1401-1557/63TRUST OR2181-2324 OR2223-2336 OR2460-1070C OR2469-84

PARCEL ID: 00543220-000000
AK NO. 1666742
PARCEL DESCRIPTION: BK 1 LT 12 BAHIA MAR EST PB4-79 KEY LARGO OR595-870 OR846-2286 OR902-170 OR1109-772 OR1401-1546/48 OR1401-1549/51 OR1401-1552/53AFF OR1401-1554D/C OR1401-1557/63TRUST OR2181-2324 OR2223-2336 OR2460-1070C OR2469-84

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 2006 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 15th DAY OF APRIL, 2014

The foregoing RESOLUTION was offered by Commissioner ASDOURIAN, 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 Gibbs	<u>X</u>	___
Commissioner Asdourian	<u>X</u>	___
Commissioner Majeska	<u>X</u>	___
Commissioner Tobin	<u>X</u>	___
Commissioner Higgins	<u>X</u>	___

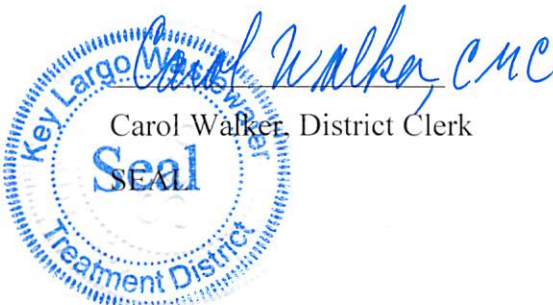
The Chairman thereupon declared Resolution No. 02-04-14 duly passed and adopted the 15th day of April 2014

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Chairman Gibbs

ATTEST:

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#: 1666734 Waive AK#: 1666751, 1666742

**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 9, 2006, 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;

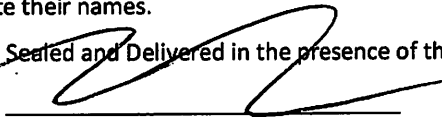
NOW, THEREFORE, in consideration of the premises and in further consideration of the promises below, the undersigned agree:

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: 
 Owner or Co-Owner
Shawn Talley

Sign: _____
 Owner or Co-Owner

Sign: _____
 Witness

Sign: _____
 Owner or Co-Owner

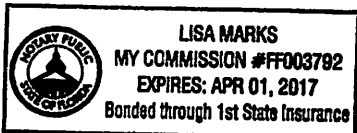
Sign: _____
 Owner or Co-Owner

Sign: _____
 Witness


STATE OF: Louisiana

COUNTY OF: Monroe

The foregoing instrument was acknowledged before me this 12-6-13 (date), by Shawn Talley (name(s)), who is personally known to me or who has produced _____ (type of identification) as identification.



(NOTARY SEAL)


 Notary Public

Lisa Marks
 Printed Name

 Commission Expiration Date

WAIVER OF WASTEWATER SERVICE
AND
ACKNOWLEDGEMENT OF POTENTIAL COSTS

Attachment A

Tax Parcel receiving wastewater Service:

Alternate Key Number: 1666734
RE Number: 00543210-000000
Physical Location: 102421 OVERSEAS HWY, KEY LARGO
Legal Description: SQR 1 LOTS 10 AND 11 BAHIA MAR EST KEY LARGO OR595-870
OR846-2286Q/C OR902-170Q/C OR1109-772 OR1401-1546/48Q/C
OR1401-1549/51Q/C OR1401-1552/53AFF OR1401-1554D/C
OR1401-1557/63TRUST OR2181-2324Q/C OR2443-2093 OR2443-
2094

Excluded Parcels:

Excluded Parcel No. 1:

Alternate Key Number: 1666751
RE Number: 00543230-000000
Physical Location: VACANT LAND KEY LARGO
Legal Description: BK 1 LT 13 BAHIA MAR EST PB4-79 KEY LARGO OR595-
870 OR846-2286 OR902-170 OR1109-772 OR1401-
1546/48 OR1401-1549/51 OR1401-1552/53AFF
OR1401-1554D/C OR1401-1557/63TRUST OR2181-
2324 OR2223-2336 OR2460-1070C OR2469-84

Excluded Parcel No. 2:

Alternate Key Number: 1666742
RE Number: 00543220-000000
Physical Location: VACANT LAND KEY LARGO
Legal Description: BK 1 LT 12 BAHIA MAR EST PB4-79 KEY LARGO OR595-
870 OR846-2286 OR902-170 OR1109-772 OR1401-
1546/48 OR1401-1549/51 OR1401-1552/53AFF
OR1401-1554D/C OR1401-1557/63TRUST OR2181-
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