

RESOLUTION NO. 06-02-15

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF LAKE SURPRISE II CONDOMINIUM ASSOCIATION INC FOR REMOVAL OF ONE TAX PARCEL FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS the parcel owner, Lake Surprise II Condominium Association INC, has waived its right to receive wastewater service to the parcel described in Section 1 ("Tax Parcel") below and now requests that the District suspend collection of the System Development Charge ("SDC") and all future Non-Ad Valorem Assessments on the Tax Parcel; and

WHEREAS, the Tax Parcel is vacant and classified as Tier I by Monroe County Division of Growth Management; and

WHEREAS, the owner of the Tax Parcel has certified that if they later desire wastewater service to the waived parcel, they agree to pay the full direct and indirect District costs of providing the same; and

WHEREAS, pursuant to Section 10.06(a)(ii) of the KLWTD General Rules and Regulations, upon application by the owner, the District will waive the SDC, or all future assessments of the SDC, for that tax parcel.

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

The lot designated in Section 1 below be and is excluded from the Preliminary Key Largo Wastewater Treatment District 2006 Non Ad-Valorem Assessment.

Section 1.

PARCEL ID: 00083730-000300
AK NO. 8738170
PARCEL DESCRIPTION: 36 60 39 ISLAND OF KEY LARGO PT FRACTIONAL OR966-2495/2496 OR1273-778/79

Section 2.

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

RESOLVED AND ADOPTED THIS 10TH DAY OF FEBRUARY 2015

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

Doc# 2018989 03/09/2015 1:29PM
Filed & Recorded in Official Records of
MONROE COUNTY RMY HEAVILLIN

Doc# 2018989
Bk# 2728 P# 954

	AYE	NAY
Chairman Asdourian	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Gibbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Higgins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Majeska	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Tobin	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairman thereupon declared Resolution No. 06-02-15 duly passed and adopted the 10th day of February, 2015.

KEY LARGO WASTEWATER TREATMENT DISTRICT



Chairman Asdourian

ATTEST:



Mariela Montedeoca, Clerk

Approved to as to form and legal sufficiency



Ray Giglio, General Counsel

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

Doc# 2018989
Bk# 2728 Pg# 956

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Property Appraiser Parcel Identification Number(s) = Waive AK#: 8738170

**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 October 4, 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 Excluded Parcels listed in Attachment A cannot be improved consistent with existing zoning regulations or other legal constraints, 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 are nevertheless subject to assessment, because they will receive a special benefit from construction by the District of wastewater collection, transmission, and treatment facilities, which assessment the District is willing to forego at this time in reliance upon the representations above; and

WHEREAS, the District has advised the undersigned that, if they or their successors subsequently 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 and have full authority.
2. The undersigned certify that the Excluded Parcels listed in Attachment A cannot be improved consistent with existing zoning regulations or other legal constraints.
3. 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.

4. 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 Parcel(s).
5. The District will advise the Monroe County Tax Collector to remove the current year's assessment(s) against the Excluded Parcel(s) if unpaid. The Monroe County Tax Collector will issue an amended tax bill reflecting the removal of the assessment from the Excluded Parcels.
6. The undersigned hereby consents to this waiver of wastewater service and acknowledgement of potential costs, and all of its terms.
7. 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):

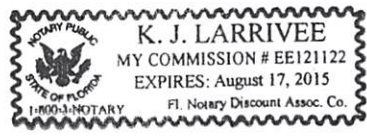
Sign: <u><i>Robert Balaram</i></u> Owner or Co-Owner <i>Resident</i>	Sign: _____ Owner or Co-Owner
Sign: _____ Owner or Co-Owner	Sign: _____ Owner or Co-Owner
Sign: <u><i>Meghan Sheiff</i></u> Witness	Sign: _____ Witness

STATE OF: Florida
COUNTY OF: Monroe

The foregoing instrument was acknowledged before me this January 30, 2015 (date), by Robert Balaram (name(s)), who is personally known to me or who has produced _____ (type of identification) as identification.

K. J. Larrivee
Notary Public
KJ Larrivee
Printed Name
8/17/15
Commission Expiration Date

(NOTARY SEAL)



WAIVER OF WASTEWATER SERVICE
AND
ACKNOWLEDGEMENT OF POTENTIAL COSTS

Attachment A

Doc# 2018989
Bk# 2728 Pg# 958

Excluded Parcels:

Excluded Parcel No. 1:

Alternate Key Number:	8738170
RE Number:	00083730-000300
Physical Location:	Vacant Land Key Largo
Legal Description:	36 60 39 ISLAND OF KEY LARGO PT FRACTIONAL OR966-2495/2496 OR1273-778/79