
OKALOOSA COUNTY, FLORIDA

**BEACH RESTORATION
MUNICIPAL SERVICE BENEFIT UNIT
FINAL ASSESSMENT RESOLUTION**

ADOPTED AUGUST 7, 2008

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE CONSTRUCTION AND FUNDING OF BEACH RESTORATION WITHIN THE BEACH RESTORATION MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING AUTHORITY AND DEFINITIONS; ADOPTING THE INITIAL ASSESSMENT RESOLUTION; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF THE ASSESSMENTS TO FUND THE BEACH RESTORATION; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okaloosa County, Florida (the "County") adopted Ordinance 07-71 on December 4, 2007, to create the Okaloosa County Beach Restoration Project Municipal Services Benefit Unit and to authorize the imposition of special assessments to fund the beach restoration project within the boundaries of the Municipal Services Benefit Unit; and

WHEREAS, pursuant to the provisions of the Ordinance, the Board is required to adopt an Initial and Final Assessment Resolution with such provisions as the Board deems appropriate after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has been prepared and is available for inspection by the public, both with the County Administrator, as required by the Ordinance, and at the Emerald Coast Convention and Visitors Bureau; and

WHEREAS, in accordance with the Ordinance and Florida law, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the assessments and method of collection and providing them with the opportunity to be heard concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to the Ordinance, Chapter 125, Florida Statutes, Article VIII, Section 1, Florida Constitution, and other applicable provisions of law.

SECTION 2. DEFINITIONS. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

"Assessment" means an annual special assessment imposed against property located within the MSBU to fund the Project Cost of Beach Restoration to serve the MSBU, and related expenses.

"Assessment Coordinator" means the person designated by the Executive Director of the Okaloosa County Tourist Development Council to administer and coordinate Assessments, or such person's designee.

"Assessment Period" means the time period estimated by the County during which Assessments are imposed for any portion of the Obligations that remain outstanding unless otherwise prepaid. The Assessment Period shall be established as eight (8) years.

"Assessment Roll" means a non-ad valorem assessment roll relating to the Project Cost of the Beach Restoration to serve the MSBU and related expenses.

"Beach Restoration" means the select clearing and grubbing, fill and sand mining, shoreline, berm, and dune stabilization and restoration, and provision of infill sand.

"Board" means the Board of County Commissioners of Okaloosa County, Florida.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, construction and installation (including demolition, environmental mitigation and relocation) of the Beach Restoration and imposition of the Assessments under generally accepted accounting principles; and including reimbursement to the County for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Collection Cost" means the estimated cost to be incurred by the County during any Fiscal Year in connection with the collection of Assessments.

"County" means Okaloosa County, a political subdivision of the State of Florida.

"County Administrator" means the administrative head of the County which the Board has authority to control or such person's designee.

"Dwelling Unit" means a building, or portion thereof, which is lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

"Final Assessment Resolution" means the resolution that imposes Assessments within the MSBU.

"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

"MSBU" means the proposed Okaloosa County Beach Restoration Municipal Service Benefit Unit, a description of which is attached as Appendix "C".

"Ordinance" means Ordinance No. 07-71.

"Project Cost" means (A) the Capital Cost of the Beach Restoration, (B) the Transaction Cost associated with the Obligations attributable to the Beach Restoration, (C) interest accruing on such Obligations for such period of time as the County deems appropriate, (D) the debt service reserve fund or account, if

any, established for the Obligations attributable to the Beach Restoration, and (E) any other costs or expenses related thereto.

"Property Appraiser" means the Okaloosa County Property Appraiser.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Transaction Cost" means the costs, fees and expenses incurred by the County in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel and disclosure counsel, if any; (C) the underwriters' discount; (D) the fees and disbursements of the County's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (H) any other costs of a similar nature incurred in connection with issuance of such Obligations.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection

of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 3. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 4. LEGISLATIVE FINDINGS. It is hereby ascertained, determined and declared that:

(A) Article VIII, Section 1 of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, grant to a board of county commissioners all powers of local self-government to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by vote of the electors, and such power may be exercised by the enactment of county ordinances.

(B) The Board of County Commissioners of Okaloosa County, Florida, has enacted the Ordinance to provide for the creation of a municipal service benefit unit and authorize the imposition of Assessments to fund the construction of Beach Restoration to serve the property located therein.

(C) The Board created the MSBU to fund construction of the Beach Restoration in two Sub-Assessment Areas within the MSBU: These consist of

(1) the Destin Sub-Assessment Area; and (2) the Okaloosa Island Sub-Assessment Area.

(D) The Beach Restoration provides a special benefit to all property located within the MSBU including improving and securing road access, protecting the natural environment associated with the beach, providing enhanced storm protection, protecting and enhancing the market value and marketability of properties within the MSBU, and enhancing the use and enjoyment of such property through the provision of the aesthetic and recreational beach amenities. The Beach Restoration will provide property owners within the MSBU with a greatly expanded beach area for their use and enjoyment. The presence of the beach also serves as a primary motivator for people to live in the MSBU or to visit properties in the MSBU.

(E) Since the benefits received by properties from the Beach Restoration vary depending on the type of benefit and proximity to the Beach Restoration, with all properties receiving a recreational benefit and with beachfront properties receiving a storm protection benefit, it is fair and reasonable for the County to establish separate Areas and apportion a share of the Capital Cost among the Areas.

(F) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the construction of the Beach Restoration by fairly and reasonably allocating the cost to specially benefitted property based upon the relative degree of benefit attributable to each parcel.

SECTION 5. ADOPTION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. This Resolution shall constitute both the Initial and Final Assessment Resolution, as contemplated under the Ordinance. The Board specifically approves the apportionment methodology contained in the Okaloosa County Feasibility Study for Beach Restoration on Okaloosa Island and the City of Destin Final Report dated October 1, 2007. That study, and the methodology contained therein, is hereby incorporated by reference. The Board hereby finds that notice by mail to each property owner subject to the Assessment and by publication has been provided in accordance with the Ordinance and Florida law.

SECTION 6. APPROVAL OF ASSESSMENT ROLL. The Assessment Roll, which is currently on file in the office of the County Administrator and at the Emerald Coast Convention and Visitors Bureau, is hereby incorporated herein by reference and approved.

SECTION 7. IMPOSITION OF ASSESSMENTS TO FUND THE BEACH RESTORATION.

(A) The Tax Parcels described in the Assessment Roll are hereby found to be specially benefited by the provision of the Beach Restoration in the amount of the annual Assessment set forth in the Assessment Roll. The methodology for computing the annual Assessments is hereby approved and found to be a fair and reasonable method of apportioning the Capital Costs among the benefited properties.

(B) The annual Assessments computed in the manner set forth herein are hereby levied and imposed on all Tax Parcels described in the Assessment Roll.

(C) Upon adoption of this Final Assessment Resolution, the Assessments shall constitute a lien against the assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the Board of this Final Assessment Resolution.

SECTION 8. COLLECTION OF ASSESSMENTS. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act, beginning with the tax bill to be sent in November 2008, and continue in an equal amount for eight (8) years.

SECTION 9. EFFECT OF FINAL RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method by which the Assessments are computed, the Assessment Roll, the annual Assessment amount, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action on this Final Assessment Resolution.

SECTION 10. ASSESSMENT NOTICE. The County Administrator is hereby directed to record this Resolution as notice of the Assessments in the Official Records Book in the office of the Okaloosa County Clerk of Courts. The Assessment Roll and each subsequent Assessment Roll shall be retained by the County Administrator and shall be available for public inspection.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED THIS 7th DAY OF AUGUST, 2008.

**BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA**

(SEAL)

By: _____
Chairman

ATTEST:

By: _____
Don Howard, Clerk

APPROVED AS TO FORM AND
CORRECTNESS

By: _____
John R. Dowd, County Attorney

APPENDIX A
PROOF OF PUBLICATION

APPENDIX B
AFFIDAVIT OF MAILING

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Tom Henderson, who, after being duly sworn, states:

1. I am employed by Cass Data. Cass Data has caused the notices required by the Uniform Method to be mailed to the property owners within the Okaloosa County Beach Restoration Municipal Services Benefit Unit. An exemplary form of such notice is attached hereto. Cass Data has caused such individual notices for each affected property owner to be mailed. Each notice contained the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the County expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

2. On or before July 18, 2008, Cass Data mailed the notice by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Okaloosa County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

Tom Henderson, Affiant

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2008, by Tom Henderson of Cass Data. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
At Large
My Commission Expires: _____
Commission No.: _____

**OKALOOSA COUNTY
BOARD OF COUNTY COMMISSIONERS**

July 17, 2008

Property Owner Name
Property Address
City ST Zip

RE: Parcel Control Number: PIN
Beach Restoration Municipal Services Benefit Unit

Dear Property Owner:

On December 4, 2007, the Okaloosa County Board of County Commissioners adopted Ordinance 07-71 which created the Okaloosa County Beach Restoration Project Municipal Services Benefit Unit (MSBU). The purpose of this MSBU is to provide for beach restoration in your area (Restoration Project). The cost of the Restoration Project will be funded by assessments against properties benefited by the Restoration Project and by other revenues.

The amount of the assessment for each parcel of property will depend on the benefits accruing to that property based upon the parcel's location in relation to the Restoration Project, the number of dwelling units, the parcel size and the use of the property. The MSBU is divided into the Destin Area and the Okaloosa Island Area (SubAreas). All property within each SubArea of the MSBU will be included in the Recreation Area (REC Area) with forty percent (40%) of the assessment costs allocated on a pro rata basis among the properties. Properties located on the beach within each SubArea shall be included within the Storm Damage Reduction Area (SDR Area). Property within the SDR Area will be allocated sixty percent (60%) of the assessment costs based upon a point system which considers the above factors.

The County intends to finance this assessment project. This will permit the costs attributed to your property to be amortized over a period of eight (8) years. By separate notice, the MSBU may allow prepayment.

The annual assessment on your property will include your share of principal, interest and collection costs. The maximum annual assessment proposed to be imposed on your property shall be \$_____. However, the actual annual assessment cannot be determined until the loan is obtained and the assessments may be lower. The County intends to include the annual assessments on your ad valorem tax bill to be mailed in November, 2008 and will continue annually thereafter. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in loss of title. The total proposed assessment to be collected on all properties within the MSBU is \$10,957,681.44, inclusive of all administrative costs and statutory discounts over the next eight (8) years for the project.

The Board of County Commissioners will hold a public hearing at 6:00 p.m., or as soon thereafter as the matter can be heard, on August 7, 2008, in the Emerald Coast Conference Center on Okaloosa Island, 1250 Miracle Strip Pkwy SE, Fort Walton Beach FL 32548, for the purpose of receiving comments on the proposed assessments, including collection on the ad valorem tax bill. You are invited to attend and participate in the public hearing or to file written objections with the County Commission prior to or during the hearing. If you decide to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearing, you will need a record of the proceeding and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. If you are a person with a disability who needs any accommodation or an interpreter to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Board of County Commissioners at (850) 651-7105, or in writing to the Board of County Commissioners, 1804 Lewis Turner Boulevard, Suite 100, Ft. Walton Beach, Florida 32548,

A copy of the Preliminary Assessment Roll, the Final Report of the Funding Feasibility Study and proposed Final Assessment Resolution are available at the Emerald Coast Convention and Visitors Bureau, located at 1540 Miracle Strip Parkway, SE., Fort Walton Beach, Florida 32548. Questions regarding your assessment and process for collection may be directed to (850) 651-7644.

APPENDIX C

DESCRIPTION OF BOUNDARIES

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The area included within the MSBU is defined as follows: all of Santa Rosa Island, Subdivision Okaloosa County, Florida Including Block 1, 2 & 11, BK 2, PG 84A, Block 3, BK 2, PG 84B, Block 4 & 5, Bk2 PG 84, Block 6 & 7, BK2, PG 168 & BK 2, PG 84C, Block 8, BK 2, PG 84D, Block 8 & 9, BK 2, PG 190, Block 10, BK 3, PG 14, Block 12, BK 2, PG 84E, Block 13, BK 2, PG 84F, Block 14, BK 3, PG 35, Block 15, BK 3, PG 36, which includes Marler Park, Beasley Park and Wayside Park lying within the Santa Rosa Subdivision; and in addition, all land lying south of Hwy 98, Commence at Silver Beach Subdivision BK 18, PG 57 on the Northeast corner of Lot 8A and following along HWY 98 / State Road 30 West to the Northwest corner of Sandpiper Cove Subdivision Phase I, BK 695 PG 130, go Southwesterly along the common line of Revised 2nd addition to East Pass Subdivision, BK 1 PG 19A to the waters edge at the Old Pass Lagoon, follow the lagoon around the waters edge to the Northeast corner of east Pass Towers Condominium BK 1286 PG 1442, go Southwesterly to the waters edge at the East Pass of the Gulf of Mexico continue along the property lines along the coast line to the Southeast corner of Silver Beach Subdivision, continue Northeasterly along the common line of Henderson Beach State Recreation Area to the point of beginning.