

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT (“DISTRICT”) APPROVING, LEVYING AND IMPOSING A MAINTENANCE ASSESSMENT FOR THE FISCAL YEAR 2021/2022, COMMENCING ON OCTOBER 1, 2021, AND ENDING ON SEPTEMBER 30, 2022, AGAINST ASSESSED PROPERTY LOCATED WITHIN THE DISTRICT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 298 Florida Statutes, the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law, the San Carlos Water Control District (“District”) is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District's geographical boundary; and

WHEREAS, the District has previously determined that each parcel of assessible land in the District receives a special benefit from the District's operation and maintenance of the District's works and that the District's assessments are fairly apportioned among each parcel of assessible land; and

WHEREAS, the District has previously levied and imposed a maintenance assessment on each accessible tract of land in the District to operate and maintain the District works and activities and to defray the current expenses of the District; and

WHEREAS, the District desires to reimpose the maintenance assessment against each assessible tract of land in the District to operate and maintain the District works and activities and to defray the current expenses of the District.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Section 298.54, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law.

SECTION 2. INCORPORATION OF RECITALS

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION 3. REIMPOSITION OF MAINTENANCE ASSESSMENT

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.305 and Section 298.54, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies a maintenance assessment on all lands in the District (assessible tracts of land) to operate and maintain and District works and activities and to defray the current expenses of the District.

- B. The per unit maintenance assessment of the District for the 2021/2022 fiscal year beginning October 1, 2021 and ending September 30, 2022, shall be \$455.67 per unit on 1,096.85 units as described in the attached Assessment Roll for a total District wide maintenance assessment estimated amount of \$499,805.

- C. The maintenance assessment to be assessed and apportioned among the assessible tracts of land in the District are hereby levied and imposed on all assessible tracts of land in the District to fund the District's maintenance budget for the 2021/2022 fiscal year of the District in the amount of \$499,805. Said maintenance budget is also adopted by this Resolution. A copy of the District's 2021/2022 maintenance budget is attached hereto.

- D. The District's maintenance assessment for the 2021/2022 fiscal year that is approved and levied against each assessible tract of land in the District shall constitute a lien upon each assessible tract of land in the District so assessed that is 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 liens shall be superior in dignity to all other liens, titles and claims, until paid.

- E. The annual maintenance assessment, as herein approved, on each accessible tract of land in the District shall be delivered to the Tax Collector for collection using the Uniform Tax Bill Collection Method in the manner prescribed by Florida law. In particular, the District staff is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the fiscal year commencing October 1, 2021, which includes all assessible parcels of land in the District, to be delivered to the Tax Collector.

SECTION 4. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the President of the Board of Supervisors without need of a public meeting or Board decision making action, by the President of the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION 6. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 7. CONSTRUCTION AND EFFECTIVE DATE


This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR JUDY TAPPLY WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR BEN BOGACZ AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	___
Ben Bogacz	<u>X</u>	___
Jim Bradford	ABSENT	___


Duly passed and adopted on this 17th day of August, 2021.

**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: 

Judy Tapply, President of the Board of Supervisors

ATTEST:

By: 

Chris Lawson, Secretary-Treasurer for the District

San Carlos Estates Water Control District Budget
Fiscal Year 2021-22 Approved Budget

Estimated Revenue			Estimated Appropriations		
General Maintenance			General Maintenance		
Gross Annual Assessments	\$471,905		Drainage	\$110,000	
LCTC Disc & Comm	(\$14,400)		Roads	\$6,000	
LCTC Penalties & Interest	\$1,500		Gate	\$4,000	
Net Annual Assessments	\$459,005		Swale Mowing	\$114,000	
Bank Interest	\$1,250		Engineer	\$80,000	
Other Income	\$20,000		Legal	\$40,000	
Use and Connection Fees	\$18,750		Administration	\$55,000	
Unused LCTC Revenue & Other Income	\$800		Auditor	\$12,000	
Total General Maintenance Revenue		\$499,805	Property Appraiser	\$6,418	
			Insurance	\$11,389	
			Miscellaneous	\$10,998	
			Contingency	\$50,000	
Total General Maintenance Appropriations		\$499,805	Total General Maintenance Appropriations		\$499,805