

**BOARD OF SUPERVISORS OF**  
**THE SAN CARLOS ESTAES WATER CONTROL DISTRICT**  
**TUESDAY SEPTEMBER 15, 2020**

**6:00 P.M.**

**TOWNPLACE SUITES, 23161 VIA COCONUT POINT, ESTERO, FL 33928**

1. **Call Meeting to Order:** Judy Tapply (Judy) called the meeting to Order at 7:53 pm.
2. **Roll Call of the Board of Officers:** Present are Supervisors Judy, Ben Bogacz (Ben) and Jim Bradford (Jim); Engineer Bill Morris (Bill); Attorney Richard Pringle and Sec/Treas Julia Roberts (Julia); and 1 guest.
3. **Receive Engineer's Report on District Works:**
  - Maintenance Report – there are 36 open permits and 1 closed permit.
  - Annual Maintenance -Sweeper Man has been authorized to proceed with the annual maintenance. Due to amount of rain the annual maintenance has not begun. Bill is coordinating maintenance.
  - Rain/Flooding: Judy had received questions from several residents regarding flooding on their streets after the significant recent rainfall. As of Tuesday morning, all streets are dry.
4. **Chairs Report:** Judy has asked that the street reflectors that are missing be replaced. Julia has been in contact with Larry Rose about the purchase of reflectors and installation where needed.
5. **Treasurer's Report:** No report.
6. **Attorney's Report:** No report.
7. **Comments from Guests:** Brad Gallagher submitted a driveway permit application to the Board with a request to access from Moriah Ln. Mr. Pringle advised that the Board is bound by Bond Validation Judgements, the Water Control Plan of the District and the District rules and regulations. Mr. Gallagher will follow up with the Board on his intent to move forward. Further discussion occurred about the District's obligations.
8. **Old, New and Unfinished Business:**
  - Tuck Ln – waiting on cost estimates.
  - 24442 Melanie Ln – pumping has stopped and site is in good condition.
  - 25504 Busy Bee – the trench dug in the bottom of the swale has been filled by Thrasher Site Development.
  - 25085 Busy Bee – repairs have been made to this area.
  - 24300 Roger Dodger – the site has a roof gutter pipe draining into the swale which creates an illicit discharge. A Notice of Violation will be sent.
  - 24345 Rocky Rd – the property has been restored and is in good condition.
  - 25526 Busy Bee – a trench has been dug thru the District Right of Way without a permit. A Notice of Violation was sent. There has been no response and the City of Bonita Springs Code Enforcement will be notified.
  - Fencing on Strap # 15-47-25-B2-00200.0100 on Bonita Bill – the property owner requested a fence permit from the City of Bonita Springs (The City). The City referred the property owner back to the District for approval (documents attached).

The Supervisors and engineer reviewed the presented plans and have no objection to the request. Julia will contact the property owner and provide the information requested.

- 24442 Golden Eagle – a culvert pipe was installed without a permit from the District. The City Code Enforcement has been in contact with the property owner. The property owner was unaware of the need for a permit and explained this is temporary due to construction work on the property. Code Enforcement will continue to monitor and has enforcement authority. The Board will follow up at the October monthly meeting. The Board discussed a remedy for property owners needing temporary culvert pipes. No resolution currently.
  - 9121 Strike Ln – this property is under new construction. The drainage pipe from the property to the east retention area has been covered/blocked. Bill expressed concern over this and will get back to the Board at the October Monthly Meeting for a remedy.
  - 24200 Melanie Ln – lot has been accessed without a driveway and the swale has been damaged. Bill will send a Notice of Violation.
  - 10020 Strike Ln – Bill is concerned about the horticultural mulch/debris stored at this location. Bill will send Julia the necessary language necessary for a complaint to Code Enforcement and Julia will contact Code Enforcement.
  - General Maintenance, Phase 1, and Phase 2 Budget Resolutions – Mr. Pringle reviewed the Budget Resolutions (attached). A Motion was made by Judy and 2<sup>nd</sup> by Ben to approve the General Maintenance Budget with a total amount \$352,798. Motion passed 3-0. Judy asked for public input. No input. Resolution passed unanimously. A Motion was made by Judy and 2<sup>nd</sup> by Ben to approve the Phase 1 Budget with a total amount of \$567,405. Motion passed 3-0. Judy asked for public input. No input. Resolution passed unanimously. A Motion was made by Judy and 2<sup>nd</sup> by Ben to approve the Phase 2 Budget with a total amount of \$76,226. Motion passed 3-0. Judy asked for public input. No input. Resolution passed unanimously.
  - Lights for Cameras – Julia has no input. Judy has spoken to an outdoor lighting company who will meet with a District representative next week.
  - District Agreement with Utility – no update.
  - Interlocal Agreement with City – no update.
  - Schedule for 2020-2021 Monthly Meeting – the monthly meetings are scheduled for the 3<sup>rd</sup> Tuesday of each month except for June and December. Dates 10/20/20, 11/17/20, 01/19/21, 02/16/21, 03/16/21, 04/20/21, 05/18/21, 07/20/21, 08/17/21, 09/21/21. Julia will secure a location for the meetings as soon as possible and submit the information to Mr. Pringle for the Meeting Ad.
9. **Approve August 2020 Bank Statements and Payment of Bills:** A Motion was made by Judy and 2<sup>nd</sup> by Ben to approve the August Bank Statements and payment of bills. Motion passed 3-0.
10. **Approve Minutes of 8/18/20 Monthly Meeting:** A Motion was made by Judy and 2<sup>nd</sup> by Ben to approve the 8/18/20 Monthly Meeting Minutes. Motion passed 3-0.
11. **Adjournment:** A Motion was made by Judy and 2<sup>nd</sup> by Ben to adjourn the Monthly Meeting. Motion passed 3-0. Meeting adjourned at 9.59 P.M.

## “Striving for balance between human use and the environment” since 1983

## -INFORMAL WETLAND DETERMINATION (STEP 1)-

### FIELD INSPECTION AND DATA REPORT

For questions regarding wetland delineation procedures, the need for special permits, or to obtain agency verification of the findings and conclusions presented herein prior to site planning or development, please contact TEC, LLC.

Site PID#: 15-47-25-B2-00200.0100, 15-47-25-B2-00200.0540      Acres: 2.5      County: Lee

Address: xxxx Bonita Bill St, Bonita Springs Fl.

Subdivision/legal: See in notes

Report authorized to (CLIENT<sup>1</sup>): David Cativo

Agent: Doug Roman

Inspection date: 7/13/2020 Inspected by: Katharina Shoemaker

Prior agency history identified: ☒ NO ☐ YES:

## REGULATORY SUMMARY

Tropical Environmental Consultants, LLC. identified 1.06 acres of wetland<sup>2</sup> habitat within the study site excluding perennial surface waters, i.e. canals, lakes, ponds. That portion which is not deemed as wetland, or is comprised of other surface waters, is upland as depicted on the accompanying map found within this report. All findings and conclusions presented herein are informal and non-binding, subject to agency review and verification. For questions regarding wetland delineation procedures, the need for special permits, or to obtain agency verification of the findings and conclusions presented herein prior to site planning or development, please contact TEC, LLC. for further assistance.

Will State (FDEP/WMD) permits or approvals be required to address the presence of wetland habitat within the site? ☒ YES (ERP permit) ☐ NO ☐ UNDETERMINED

Anticipated permitting time-frame (months): 1-2

Will Federal (USACE/EPA) permits or approvals be required to address the presence of wetland habitat within the site? ☒ YES (dredge and fill permit) ☐ NO ☐ UNDETERMINED Anticipated permitting time-frame (months): 6-9

Are listed species, or evidence thereof, present within the site? YES ☒ NO ☐

Local county or city municipalities may require a permit prior to any mechanical actions or land alteration conducted within a property, regardless of the type, location, or scope. TEC recommends obtaining a verification of these findings with the State, as well as reviewing local rules and regulations with the development/environmental services department of the city or county of jurisdiction prior to ANY site work.

*1 All findings are the sole property of TEC, LLC, and the client named above.*

2 The wetland delineation provided in this report was conducted per Florida Department of Environmental Protection (Ch.62-340 of the F.A.C.), and United States Army Corps of Engineers (1987 Wetland Delineation Manual-GACPRS) criteria and is subject to agency verification.



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### BUILDING SUITABILITY SUMMARY

Further explanation of each corresponding question is provided within the "Question Detail" sheet at the conclusion of this report.

Q1	Shall a state FDEP/SWFMD and/or federal environmental resource permit authorizing for wetland impacts be required for this property? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A- Upland
Q2	If present, is the on-site wetland isolated, contiguous, or undetermined per State definition? <input type="checkbox"/> Isolated <input checked="" type="checkbox"/> Contiguous <input type="checkbox"/> Undetermined (may connect offsite) <input type="checkbox"/> N/A- Upland
Q3	Will compensatory mitigation likely be required? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES COMMENTS: The wetlands on site are contiguous
Q4	If wetlands are impacted, what is the functional <u>quality</u> (UMAM/WRAP/ETC) of the wetland resource, and thus the relative cost of mitigation for these areas? <input type="checkbox"/> VERY HIGH <input type="checkbox"/> HIGH <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> LOW <input type="checkbox"/> VERY LOW <input type="checkbox"/> N/A- Upland
Q5	If wetlands are found on site, what is the anticipated seasonal high water (SHW) elevation during a typical rainy-season, and for how long will near-ground water levels persist? MAJORITY OF SITE 2-4 inches <input checked="" type="checkbox"/> above <input type="checkbox"/> below ground 2-3 weeks/year. MINORITY OF SITE N/A inches <input type="checkbox"/> above <input checked="" type="checkbox"/> below ground N/A weeks/year.
Q6	Is limestone located near (6" +/-) or above the surface of the lot? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Q7	Will the property potentially qualify for a reduction of the assessed value, and therefore the taxable value, by local county Property Appraiser due to the presence of wetlands on-site? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Q8	Are exotic-nuisance plant species prolific throughout the lot? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Q9	During completion of the field visit, did TEC biologists witness the presence or evidence of protected (listed) animal species? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES

The conclusions presented herein are based on TEC staff interpretation of the rules and procedures set forth by the regulating agencies contemporaneous with the inspection date. The type of environmental resource permit(s) deemed required (if any) is based upon the anticipated impact footprint for a 2,000 sq. ft. residence and associated structures (unless otherwise noted). An environmental resource permit (ERP), approved variance, or exemption is ALWAYS required when impacting wetlands. Local building departments may accept this report as part of a complete building permit application, however this does not exempt you from the need for additional State/Federal permits or approvals should environmental resources be impacted in fact (please refer to "Question Detail" page Q1 for more information). For State verification please contact TEC, FDEP 239-344-5600, or SFWMD 239-338-2929.

#### SUMMARY NOTES:

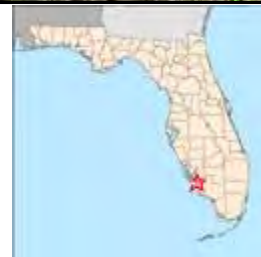
Legal: SAN CARLOS ESTATES UNREC OR 557 PG 354 TRACT 54 , SAN CARLOS ESTATES UNREC OR 557 PG 354 TRACT 10  
Two separate properties were inspected, the property located to the south west will require wetland related permits as the wetlands are not avoidable, while the north eastern property may potentially not require any permits as long as wetland impact can be avoided and the agencies agree to TEC's delineation.





- subject study area
● Data Point
- wetland per State and/or Federal wetland criteria.

NOTE: The wetland area delineated on the map provided herein is approximate and subject to verification by the appropriate local, State, and/or Federal agencies. Drainage ditches, if present, are shown as linear features and are typically exempted from permitting requirements.



0 54 108 162 ft





Tropical Environmental Consultants, LLC.

www.TropicalEnvironmentalConsultants.com

3899 Mannix Dr. #409

Naples, Florida. 34114

239-455-6232

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## National Wetlands Inventory (NWI)/ Hydric Soils (NRCS)/ Flood Zone Map (FEMA)






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## Property Tax Data Details

(Obtained from local property appraiser)

Owner and Property Description		Parcel Map					
Owner Name:	CATIVO DAVID						
Mailing Address:	24377 GOLDEN EAGLE LANE BONITA SPRINGS FL 34135						
Site Address:	BONITA SPRINGS FL						
Subdivision:							
County:	LEE						
Land Use Code:	0000						
Land Use Desc:	VACANT RESIDENTIAL						
Land Use FDOR Code:	00						
Land Use FDOR Desc:	Vacant Residential						
Zoning:	AG-2						
Acres:	1.25						
PIN:	<a href="#">154725B2002000100</a>						
PIN2:	472515B2002000100						
ALTKEY:	10278573						
Last Data Update:	07/01/2020						
<b>Legal Description (not official)</b>							
SAN CARLOS ESTATES UNREC OR 557 PG 354 TRACT 10							
<b>Building Summary</b>		<b>2019 Certified Values</b>					
Actual Year Built:		Land: \$48,750					
Effect. Year Built:		Land Agricultural: \$0					
Living SqFt:		Building: \$0					
Total SqFt:		Misc: \$0					
Adjusted SqFt:		Just Value: \$48,750					
Beds:		Assessed Value: \$41,636					
<b>Soils</b>							
MUID	Map Unit Name	Component Name	Component Pct	Hydric	Hydric Grp	Percent of Total	Acres
49	FELDA FINE SAND, DEPRESSIONAL	FELDA	86	YES	A/D	34.4	0.43
6	HALLANDALE FINE SAND	HALLANDALE	90	YES	B/D	65.6	0.82
<b>TOTAL ACRES</b>							<b>1.25</b>




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(Obtained from local property appraiser)

Owner and Property Description		Parcel Map					
Owner Name:	CATIVO DAVID	 <p>© MapWise 2020</p>					
Mailing Address:	24377 GOLDEN EAGLE LANE BONITA SPRINGS FL 34135						
Site Address:	BONITA SPRINGS FL						
Subdivision:							
County:	LEE						
Land Use Code:	0100						
Land Use Desc:	SINGLE FAMILY RESIDENTIAL						
Land Use FDOR Code:	00						
Land Use FDOR Desc:	Vacant Residential						
Zoning:	AG-2						
Acres:	1.25						
PIN:	<a href="#">154725B2002000540</a>						
PIN2:	472515B2002000540						
ALTKEY:	10278585						
Last Data Update:	07/01/2020						
<b>Legal Description (not official)</b>							
SAN CARLOS ESTATES UNREC OR 557 PG 354 TRACT 54							
Building Summary		2019 Certified Values					
Actual Year Built:		Land: \$5,625					
Effect. Year Built:		Land Agricultural: \$0					
Living SqFt:		Building: \$0					
Total SqFt:		Misc: \$0					
Adjusted SqFt:		Just Value: \$5,625					
Beds:		Assessed Value: \$5,625					
Soils							
MUID	Map Unit Name	Component Name	Component Pct	Hydric	Hydric Grp	Percent of Total	Acres
49	FELDA FINE SAND, DEPRESSIONAL	FELDA	86	YES	A/D	73.6	0.92
6	HALLANDALE FINE SAND	HALLANDALE	90	YES	B/D	26.4	0.33
TOTAL ACRES							1.25



**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
SAN CARLOS ESTATES WATER CONTROL DISTRICT  
("DISTRICT") APPROVING, LEVYING AND REIMPOSING  
THE ASSESSMENT TO PAY THE ANNUAL PRINCIPAL AND  
INTEREST FOR THE SERIES 2003 BONDS FOR THE PHASE I  
CAPITAL IMPROVEMENT PROJECT FOR THE FISCAL YEAR  
2020/2021, COMMENCING ON OCTOBER 1, 2020, AND  
ENDING ON SEPTEMBER 30, 2021, 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, and 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 acquired a judicial validation of special assessment bonds (hereinafter sometimes referred to as the "Series 2003 Bonds"), by Final Judgment entered in Case No. 03-CA-5140I in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, for the District's Phase I Capital Improvement Project; and,

**WHEREAS**, the District is authorized by Florida law, especially Chapter 298, Florida Statutes, and the Final Judgment in Case No. 03-CA-5140I to levy and impose an annual assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2003 Bonds issued by the District for the fiscal year 2020/2021; and,

**WHEREAS**, the District has previously determined that each parcel of assessable 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 assessable land; and

**WHEREAS**, the District has previously levied and imposed an assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2003 Bonds on an annual fiscal year basis; and,

**WHEREAS**, the District desires to reimpose the assessment against each assessable tract of land in the District to pay the annual principal and interest on the Series 2003 Bonds for the fiscal year 2020/2021 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 298.50, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, in Case No. 69-105, dated April 3, 1969, and the District's Series 2003 Bond validation Final Judgment entered on August 30, 2004, by the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, in Case No. 03-CA-5140 I, 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 ASSESSMENT TO PAY ANNUAL PRINCIPAL AND INTEREST OF SERIES 2003 BONDS**

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.50, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies an assessment on all lands in the District (assessible tracts of land) to pay the annual principal and interest on the District's Series 2003 Bonds.
- B. The per unit assessment of the District for the 2020/2021 fiscal year beginning October 1, 2020, and ending September 30, 2021, to pay the annual principal and interest on the District's Series 2003 Bonds shall be in the amounts per unit described on the attached Series 2003 Bonds Assessment Roll.
- C. The assessment for the District's Series 2003 Bonds to be assessed and apportioned among the assessible tracts of land in the District are hereby levied and reimposed on all assessible tracts of land in the District to fund the District's payment of annual principal and interest for the Series 2003 Bonds as described in the Phase I Capital Improvement Project Budget which sets forth the appropriations and revenue estimate for the 2020/2021 fiscal year of the District in the amount of \$567,405 Said Phase I Capital Improvement Project Budget in the amount of \$567,405 is also adopted by this Resolution. A copy of the District's Phase I Capital Improvement Project Budget for the 2020/2021 fiscal year is attached hereto.
- D. The District's assessment for the payment of the annual principal and interest on the District's Series 2003 Bonds for the 2020/2021 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 assessment to pay the annual principal and interest on the District's Series 2003 Bonds for the 2020/2021 fiscal year, as herein approved, on each assessable 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, 2020, which includes all assessable 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.

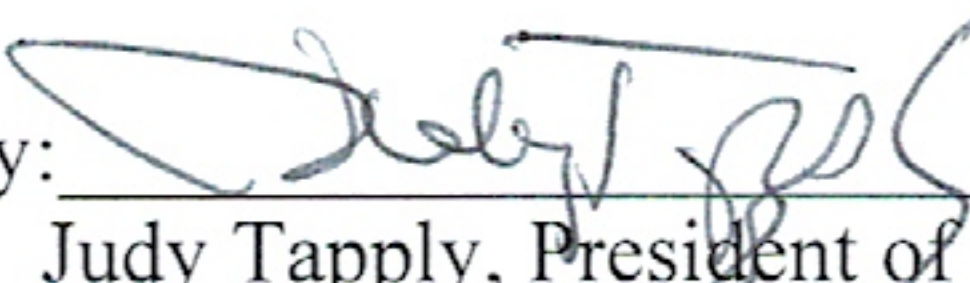
THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR Judy Tapply WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR Ben Bogacz AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>✓</u>	<u>      </u>
Ben Bogacz	<u>x</u>	<u>      </u>
<del>Don Barbera</del> Jim Bradford	<u>x</u>	<u>      </u>

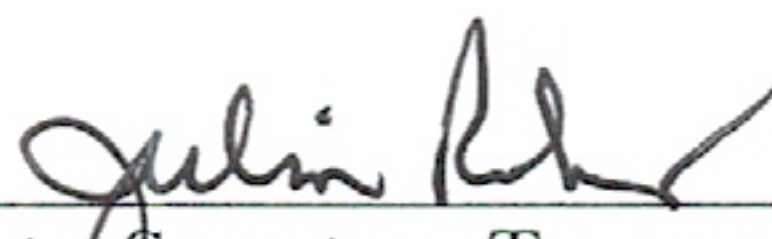


Duly passed and adopted on this 15 day of Sep, 2020.

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

By:   
Judy Tapply, President of the Board of Supervisors

**ATTEST:**

By:   
Julia Roberts, Secretary-Treasurer for the District



**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
SAN CARLOS ESTATES WATER CONTROL DISTRICT  
("DISTRICT") APPROVING, LEVYING AND REIMPOSING  
THE ASSESSMENT TO PAY THE ANNUAL PRINCIPAL AND  
INTEREST FOR THE SERIES 2005 BONDS FOR THE PHASE II  
CAPITAL IMPROVEMENT PROJECT FOR THE FISCAL YEAR  
2020/2021, COMMENCING ON OCTOBER 1, 2020, AND  
ENDING ON SEPTEMBER 30, 2021, 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, and 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 acquired a judicial validation of special assessment bonds (hereinafter sometimes referred to as the "Series 2005 Bonds"), by Final Judgment entered in Case No. 05 CA 3054 in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, for the District's Phase II Capital Improvement Project; and,

**WHEREAS**, the District is authorized by Florida law, especially Chapter 298, Florida Statutes, and the Final Judgment in Case No. 05 CA 3054 to levy and impose an annual assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds issued by the District for the fiscal year 2020/2021; and,

**WHEREAS**, the District has previously determined that each parcel of assessable 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 assessable land; and

**WHEREAS**, the District has previously levied and imposed an assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds on an annual fiscal year basis; and,

**WHEREAS**, the District desires to reimpose the assessment against each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds for the fiscal year 2020/2021 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 298.50, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, in Case No. 69-105, dated April 3, 1969, and the District's Series 2005 Bond validation Final Judgment entered on September 7, 2005, by the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, in Case No. 05 CA 3054, 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 ASSESSMENT TO PAY ANNUAL PRINCIPAL AND INTEREST OF SERIES 2005 BONDS**

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.50, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies an assessment on all lands in the District (assessible tracts of land) to pay the annual principal and interest on the District's Series 2005 Bonds.
- B. The per unit assessment of the District for the 2020/2021 fiscal year beginning October 1, 2020, and ending September 30, 2021, to pay the annual principal and interest on the District's Series 2005 Bonds shall be in the amounts per unit described on the attached Series 2005 Bonds Assessment Roll.
- C. The assessment for the District's Series 2005 Bonds to be assessed and apportioned among the assessible tracts of land in the District are hereby levied and reimposed on all assessible tracts of land in the District to fund the District's payment of annual principal and interest for the Series 2005 Bonds as described in the Phase II Capital Improvement Project Budget which sets forth the appropriations and revenue estimate for the 2020/2021 fiscal year of the District in the amount of \$76,226. Said Phase II Capital Improvement Project Budget in the amount of \$76,226 is also adopted by this Resolution. A copy of the District's Phase II Capital Improvement Project Budget for the 2020/2021 fiscal year is attached hereto.
- D. The District's assessment for the payment of the annual principal and interest on the District's Series 2005 Bonds for the 2020/2021 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 assessment to pay the annual principal and interest on the District's Series 2005 Bonds for the 2020/2021 fiscal year, as herein approved, on each assessable 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 assessable 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.

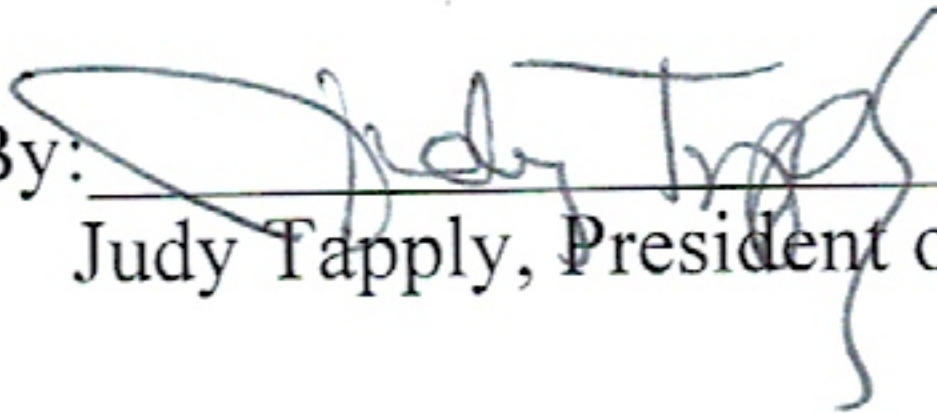
THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR Judy Tapply WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR Ben Bogacz AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	<u>    </u>
Ben Bogacz	<u>X</u>	<u>    </u>
<del>Don Barbera</del> Jim Bradford	<u>X</u>	<u>    </u>

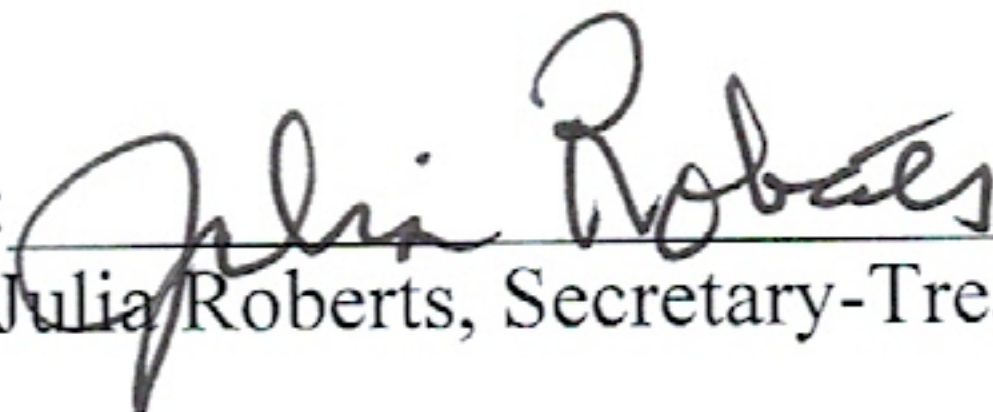


Duly passed and adopted on this 15 day of Sep, 2020.

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

By:   
Judy Tapply, President of the Board of Supervisors

**ATTEST:**

By:   
Julia Roberts, Secretary-Treasurer for the District