

RESOLUTION 2008-03

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT ESTABLISHING AN ASSESSMENT OF \$684.00 FOR EACH IMPROVED RESIDENTIAL LOT WITHIN THE SAID DISTRICT TO FUND THE 2008-09 OPERATING BUDGET OF THE DISTRICT; PROVIDING THAT THE BOARD OF TRUSTEES OF THE DISTRICT HAS SELECTED THE MONTHLY INSTALLMENT METHOD OF COLLECTION FOR SUCH AN ASSESSMENT AS SET FORTH IN SECTION 418.304(4)(e)2, FLORIDA STATUTES; PROVIDING THAT SAID ASSESSMENT SHALL BE COLLECTED IN MONTHLY INSTALLMENTS OF \$57.00 EACH BEGINNING OCTOBER 1, 2008; PROVIDING \$51.16 FOR OPERATIONS (INCLUDING DEBT SERVICE), ALLOCATION OF \$4.84 RESERVED FOR CAPITAL IMPROVEMENTS AND FOR THE ALLOCATION OF \$1.00 OF THE MONTHLY ASSESSMENT FOR THE EXCLUSIVE USE IN MAINTAINING, REPAIRING, OR REPLACING THE DISTRICT'S STORM WATER SYSTEMS; PROVIDING THAT A DELINQUENT FEE OF \$10.00 PER MONTH OR FRACTION THEREOF SHALL BE IMPOSED ON ANY INSTALLMENT WHICH IS PAID MORE THAN ONE MONTH AFTER THE DUE DATE THEREOF; PROVIDING THAT SAID ASSESSMENT SHALL BE A VALID LIEN UPON EACH IMPROVED RESIDENTIAL LOT SO ASSESSED UNTIL SUCH ASSESSMENT AND ANY DELINQUENT FEES THEREON HAVE BEEN PAID IN FULL; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Barefoot Bay Recreation District (the "District") has, by adoption of its Resolution No. 2008-02; approved an operating budget for the District for fiscal year 2008-09 which requires total revenues in the amount of \$5,128,330.00 for the said fiscal year; and

WHEREAS, The Board of Trustees of the District has reasonably determined that the sum of \$3,355,020.00 must necessarily be obtained through an assessment upon each improved residential lot within the District in order to fund the said operating budget; and

WHEREAS, the said total of \$3,355,020.00 can be attained by an assessment of \$684.00 for each of the estimated 4,905 improved residential lots within the District for the fiscal year beginning October 1, 2008 and ending September 30, 2009; and

WHEREAS, The Board of Trustees of the District has determined that it is in the best interests of the District to select the monthly installment method of collection set forth in Section 418.304 (4) (e) 2, Florida Statutes, as the method of collection of the said assessment so that such assessment can be collected in installments of \$57.00 per month; and

WHEREAS, The Board of Trustees of the District has determined that it is necessary to allocate \$1.00 of the monthly assessment for the sole purpose of maintaining, repairing or replacing the Storm Water System; and

WHEREAS, The Board of Trustees of the District has also found and determined that it is reasonable and prudent to set forth (i) a delinquent fee of \$10.00 per month as fraction thereof for late payment of such installments; (ii) the lien rights of the District with respect to each improved residential lot so assessed until such assessment has been paid (iii) the method of enforcing the said assessment as provided by statute; and

WHEREAS, all affected property owners have been provided written notice of the potential for the charging of a delinquent fee and the potential for foreclosure of the District's lien rights which exist with the use of the said collection method, as well as the time and place of the public hearing on this Resolution; and

WHEREAS, The Board desires to establish a portion of the general fund as a separate Capital Improvements Fund to be accessed only by resolution by the Board totaling \$284,882.40 annually or \$4.84 per month.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BAREFOOT BAY RECREATION DISTRICT, BREVARD COUNTY, FLORIDA, that:

Section 1. An assessment in the amount of \$684.00 annually is hereby assessed for the fiscal year beginning October 1, 2008 and ending September 30, 2009 upon each improved residential lot within the Barefoot Bay Recreation District. The said assessment shall be for the purpose of funding the 2008-09 operating budget of the District adopted by the District's Resolution No. 2008-02.

Section 2. The Board of Trustees of the Recreation District hereby elects to use the monthly assessment method of the collection set forth in Section 418.304 (4) (e) 2, Florida Statutes, as the method for collecting the assessment levied in Section 1 of this Resolution; and hereby declares that the said assessment shall be due and payable in monthly installments of \$57.00 each beginning October 1, 2008 and continuing on the first day of each month thereafter through and including September 1, 2009.

Section 3. One Dollar (\$1.00) of the \$57.00 monthly assessment shall be used exclusively for the purpose of maintaining, repairing or replacing the District's storm water system. The storm water system shall include any and all ditches, lakes, ponds, or other water control devices located within the District.

Section 4. Any such installment payment shall be delinquent if paid more than one month after its due date. A fee of \$10.00 per month or fraction thereof shall be imposed and collected on any delinquent installment.

Section 5. The assessment levied in Sections 1 and 2 of this Resolution, and any delinquent fees charged thereon, shall be a valid lien upon each improved residential lot within the District until it has been paid in full, including any delinquent fees assessed on the property. The District shall have the right to enforce the said lien by recording a claim of lien and by foreclosure of its lien in the manner for such recording and foreclosure set forth in Section 418.304 (4) (c) 2, Florida Statutes. The District shall recover a reasonable attorney's fee and its court costs with respect to recording of any such claim of lien any such foreclosure proceedings.

Section 6. Four and 84/100 Dollars (\$4.84) shall be used exclusively for the purpose of constructing replacement Capital Project set forth by resolution.

Section 7. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

Section 8. This Resolution confirms the assessment as reflected in the 2008-2009 budget which was adopted by the Board on June 24, 2008

Section 9. This Resolution shall become effective October 1, 2008.

The foregoing resolution was moved for adoption by Trustee Richard Bleau. The motion was seconded by Trustee Thomas Guinther and, upon being put to a vote, that vote was as follows:

Chairperson, Wilma Weglein	<u>Yes</u>
1 st Vice Chairperson, Robert Allan	<u>Yes</u>
2 nd Vice Chairperson, Richard Bleau	<u>Yes</u>
Secretary, Louise Crouse	<u>Yes</u>
Treasurer, Tom Guinther	<u>Yes</u>
Trustee, James Farrell	<u>Yes</u>
Trustee, Robert Peet	<u>Yes</u>
Trustee, Joseph Klosky	<u>No</u>
Trustee, Charles W. Mershon	<u>No</u>

The acting Chairman thereupon declared Resolution 2008-03 duly passed and adopted this 22nd day of July, 2008.

BAREFOOT BAY RECREATION DISTRICT

By: *Wilma A. Weglein*
Wilma Weglein, Chairperson