

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 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, 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 assessible 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 2021/2022; 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 an assessment on each assessible 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 assessible tract of land in the District to pay the annual principal and interest on the Series 2003 Bonds for the fiscal year 2021/2022 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 2021/2022 fiscal year beginning October 1, 2021, and ending September 30, 2022, 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 2021/2022 fiscal year of the District in the amount of \$552,684.00. Said Phase I Capital Improvement Project Budget in the amount of \$552,684.00 is also adopted by this Resolution. A copy of the District's Phase I Capital Improvement Project Budget for the 2021/2022 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 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 assessment to pay the annual principal and interest on the District's Series 2003 Bonds for the 2021/2022 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

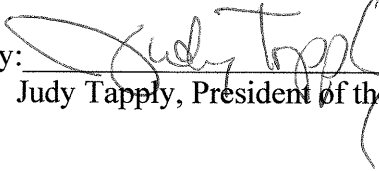
This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

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:

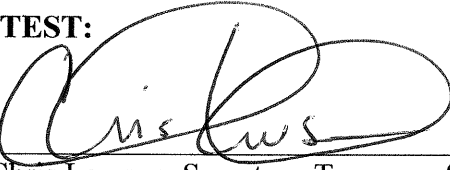
<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	_____
Ben Bogacz	<u>X</u>	_____
Jim Bradford	ABSENT	_____

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

2003 Captial Improvement Project Bonds - Phase I			2003 Captial Improvement Project Bonds - Phase I		
Gross Annual Assessments	\$567,405			\$399,254	
LCTC Discounts & Commissions	(\$20,395)		Interest on Note	\$54,330	
LCTC Penalties & Interest	\$675		Total Debt Service	\$453,584	
Net Annual Assessments		\$547,685	Bank Fees - BofA ...5681	\$5,100	
Bank Interest		\$0	Note Prepayment	\$94,000	
LCTC Other Payments		\$0	Contingency		
Unused LCTC Revenue		\$435			
Payoffs		\$3,614			
Total Phase I Revenue		\$551,734			
Phase I Carryover		\$950			
Total Phase I Revenue & Carryover		\$552,684	Total Phase I Appropriations		\$552,684