



R-10-007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING SPECIAL ASSESSMENT LIENS FOR CANAL DREDGING PROJECT NO. 6054401 ON WARNER'S EAST BAYOU (AKA THE WARNER'S EAST BAYOU CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT [MSBU]); CONFIRMING THE SPECIAL ASSESSMENT ROLL; AUTHORIZING AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENTS BY THE TAX COLLECTOR, IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, PROVIDING FOR THE CORRECTION OF ERRORS; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to the provisions of Section 125.01, Florida Statutes, the Board of County Commissioners adopted Ordinance No. 05-23 on March 1, 2005 to establish a municipal service benefit unit known as the Warner's East Bayou Canal Dredging Municipal Service Benefit Unit (MSBU), upon holding a duly noticed public hearing; and

**WHEREAS**, the Board of County Commissioners by adoption of Ordinance 05-23 determined that the parcels of real property described in the preliminary special assessment roll attached thereto would derive a special benefit from the project and the assessment is designed to be fairly and reasonably apportioned among the property within the MSBU, approved the project and made certain other determinations in connection therewith; and

**WHEREAS**, the first public hearing was conducted by the Board of County Commissioners on March 1, 2005 as required by Section 197.3632, Florida Statutes, and Ordinance 05-23 was adopted on said date and recorded in the Official Record

Book 2004, Pages 2199-2224, respectively, of the Public Records of Manatee County, Florida; and

**WHEREAS** Ordinance 05-23 approved canal dredging improvements along the following canal as described in Exhibit C, a copy attached hereto and made a part of by reference; and

**WHEREAS**, the Board of County Commissioners subsequently determined at their meeting on December 15, 2009 to direct staff to prepare a resolution reducing the amount of the special assessment borne by the parcels within the MSBU so as to be in proportion to the special benefit derived by such parcels; and

**WHEREAS**, a second public hearing on the final special assessment roll was duly noticed and held by the Board of County Commissioners on February 9, 2010 and proof of publication of the notice of the Second Public Hearing has been filed with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners on February 9, 2010 upon receiving public input, determined to reduce the amount of the special assessment borne by the parcels within the MSBU further so as to be in proportion to the special benefit derived by such parcels; and

**WHEREAS**, the Board of County Commissioners also determined to extend the period of time for repayment of the special assessment from five (5) years as initially set forth in Ordinance No. 05-23 to ten (10) years as provided herein.

**WHEREAS**, the Board of County Commissioners heard and considered all evidence submitted, presentations made and documents filed before and during the public hearing and is fully advised and informed in this matter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Manatee County, Florida, that:

1. Definitions: Unless the context clearly indicates that a different meaning was intended, the following words and terms shall have the following meaning:

A. *Assessment Unit* shall mean each subdivision lot or equivalent, subject to such adjustments as determined by the Board to be fair and equitable and in accordance with the benefits received from the facilities and services that will be furnished. A single-family residence located on more than one lot will be considered a single lot.

B. *Board* means the Board of County Commissioners of Manatee County, Florida.

C. *Clerk* means the Clerk of the Circuit Court for Manatee County, Florida, ex-officio clerk for the Board.

D. *Costs* mean all costs and expenses associated with the provision of services and facilities within the MSBU, including but not limited to, reserves for contingency and reserves necessary to replace, repair and rehabilitate any facilities or equipment, amounts necessary due to uncollected or uncollectible special assessments and to provide for the enforcement or collection of delinquent special assessments, all administrative and overhead costs associated with the creation and affairs of the MSBU, including but not limited to, wages, salaries and benefits for personnel and administrators of the MSBU, advertising and conducting hearings and meetings, auditing and recordkeeping expenses, engineering and survey fees and legal fees, and court costs, damages incurred as a result of the project, reimbursement or payment for any services, materials, supplies or emergency resources provided for the benefit of the MSBU and reimbursement of any monies or services provided in advance by the Board for services, supplies or materials provided for the benefit of the MSBU.

E. *Governing body* shall mean the Board sitting as the governing body of the MSBU.

F. *MSBU* shall mean the municipal service benefit unit established under this ordinance.

G. *Notice* as used herein shall mean notice mailed by first class to the owner or agent at the address on file with the Property Appraiser or Tax Collector for notice associated with ad valorem taxes.

H. *Owner* shall mean the owner or owners of the record and shall include any corporation, partnership, trust or other entity or agent of the owner of record as shown on the records of the Tax Collector or Property Appraiser or a deed of record.

I. *Uniform Method* shall mean the uniform method for the levy, collection and enforcement of non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, including any subsequent amendments thereto.

2. The final special assessment roll for the Warner's East Bayou Canal Dredging MSBU Project is attached hereto as Exhibit "A" and by reference is incorporated herein and made a part hereof and is hereby approved and confirmed.

3. The owners of each lot or parcel of land as identified on "Exhibit "A" have been provided with notice by first class mail of the public hearing in accordance with the form of notice attached hereto as Exhibit "B" and the affidavit of said notice is attached hereto as Exhibit "B-1"; and

4. Liens are hereby imposed against all lots and parcels of land upon which the amount of the assessment has not been paid as indicated on the special assessment roll.

5. All assessment liens established by this resolution are subject to modification in accordance with the Uniform Method as provided in Chapter 197, Florida

Statutes.

6. All assessment liens shall become payable in equal annual installments of principal and interest in each of the succeeding ten (10) years with interest at the rate of 5 percent per annum, from the owner of each lot or parcel of land in the MSBU. The liens shall bear interest at said rate from the date of the adoption of this resolution except that special assessment liens may be paid without interest within thirty (30) days after adoption of this resolution. Any assessment may be paid at any time together with interest accrued thereon to the date of payment. The above interest rate may be adjusted upon the issuance and sale of bonds secured by the special assessment liens established herein as authorized by the uniform method provided for in Chapter 197, Florida Statutes.

7. The Tax Collector for Manatee County is hereby authorized to collect all special assessments provided for in this Resolution in accordance with the uniform method for the levy, collection and enforcement of non-ad valorem assessments as provided in Chapter 197, Florida Statutes, and all applicable provisions shall apply to the collection and enforcement of the special assessment liens, including the date on which payment becomes due. The first payment is due on the date of payment of ad valorem taxes for 2010 and shall become delinquent in any year on the day when unpaid ad valorem taxes would become delinquent.

8. Severability: If any section, sentence, clause or other provision of this resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clause or provisions of this resolution.

9. Upon the subdividing of all or a portion of a lot or parcel against which a

special assessment lien has been established, all installments of principal remaining unpaid and interest due thereon shall be due and payable without notice or other proceedings, and the county may, at any time after such subdividing, institute foreclosure or other appropriate proceedings for the collection of all principal or interest on any or all portions of a lot or parcel against which the lien has been established.

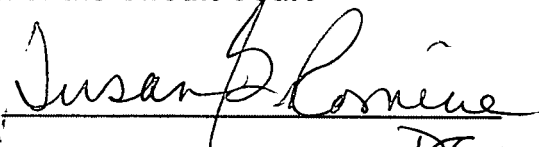
10. The Clerk of the Circuit Court is hereby authorized and requested to cause this resolution with the final special assessment roll attached hereto as Exhibit "A" to be filed for record and recorded in the Official Records Books of the county, and to forward a certified copy to the Tax Collector for Manatee County.

ADOPTED with a quorum present and voting this 9<sup>th</sup> day of February, 2010.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By:   
Carol Whitmore, First Vice-Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

By:   
TDC



**EXHIBIT "A"**

**PART 1 OF 2**

**R-10-007**

**SPECIAL OWNERSHIP AND ASSESSMENT ROLL FOR  
CANAL DREDGING ASSESSMENT PROJECT NO. 6054401**

**WARNER'S EAST BAYOU**

Pursuant to Chapter 63-1582, Laws of Florida, as amended, a Special Assessment Lien is levied against the hereinafter described real property for the dredging of the canals located adjacent to Warner's West Bayou further described as follows:

**SEE EXHIBIT "C"**

in the amount set forth opposite each lot or parcel of real property with 1/5th of the total amount thereof due and payable each year, together with interest thereon at the rate of 5% per annum, with the total unpaid balance due and payable ten (10) years from the date thereon. The assessment is \$1,750.57 per parcel.

**BOARD RECORDS**

**EXHIBIT "A"  
PART 2 OF 2**

**CANAL DREDGING ASSESSMENT PROJECT NO. 6054401  
WARNER'S EAST BAYOU**



## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
1577510008	COM AT THE SW COR OF LOT 5 BRACK SPRINGS ADD (PB 2 P 99); TH N 0 DEG 17 MIN 24 SEC E, 84.24 FT TO THE POB; TH N 0 DEG 17 MIN 24 SEC E, 163.75 FT; TH S 50 DEG 00 MIN 40 SEC E, 137.77 FT; TH S 0 DEG 17 MIN 24 SEC W, 34.56 FT; TH S 69 DEG 03 MIN 02 SEC W, 113.73 FT TO THE POB AS DESC IN OR 1155 P 3050 PRMCF PI#35775.1000/5 SEC 28 TWP 34-S RNG 17-E PR_USE: 0000 TAX_CD: 0001 SPLIT: LOCATION: 312 50TH ST CT NW 34209 SCT	TRICE, LOUIS GARY REV TRUST TRICE, LOUIS GARY 307 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1579500006	LOT 14 RIVERVIEW HARBOR PI#35799.0000/6 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 408 51ST ST NW 34209 SCT	CONLEY, JEFFREY A CONLEY, SUSAN G 408 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1580000002	LOT 15 LESS NORTHERNMOST 8 FT RIVERVIEW HARBOR PI#35800.0000/ SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 412 51ST ST NW 34209 SCT	MIRE, RANDALL P MIRE, BARBARA 412 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1580300008	LOT 16 ALSO NORTHERNMOST 8 FT OF LOT 15 RIVERVIEW HARBOR ALSO IN SEC 28 TWP 34 S RNG 17 E PI#35802.0000/8 SEC 28 TWP 34 S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 416 51ST ST NW 34209 SCT	KLEMENT, ROBERT J KLEMENT, SUSAN A. 416 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1580300006	LOT 17 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35803.0000/6 SEC 28 TWP 34 S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 502 51ST ST NW 34209 SCT	HOWARD, BONITA M 502 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1580300004	LOT 18 ALSO IN SEC 29-34-17 RIVERVIEW HARBOR PI#35804.0000/4 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 508 51ST ST NW 34209 SCT	HARDING, MORTON LEE HARDING, MARY P 508 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71

## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3580500001	LOT 15 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35805.0000/1 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 512 51ST ST NW 34209 SCT	BRULATO, GINA 512 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3580600005	LOT 20 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35806.0000/9 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 604 51ST ST NW 34209 SCT	HARGREAVES, JOHN R HARGREAVES, KATHLEEN A 604 51ST STREET NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3580700007	LOT 21 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35807.0000/7 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 608 51ST ST NW 34209 SCT	URRUTIA, LUIS A PAPPAS, SUSAN S 608 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3580800005	LOT 22 RIVERVIEW HARBOR ALSO IN SEC 29-34-17 PI#35808.0000/5 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 612 51ST ST NW 34209 SCT	RUSIN, KAREN A RUSIN, KAREN A REV TRUST 203 77TH ST HOLMES BEACH, FL 34217	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3580900003	LOT 23 RIVERVIEW HARBOR PI#35809.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 704 51ST ST NW 34209 SCT	TINSWORTH, STEVEN H 704 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3581000001	LOT 24 RIVERVIEW HARBOR PI#35810.0000/1 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5107 RIVERVIEW BLVD 34209 SCT	MATTA, JOSE R MATTA, GLADYS N 5105 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3581100009	LOT 25 RIVERVIEW HARBOR PI#35811.0000/9 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5107 RIVERVIEW BLVD 34209 SCT	STEPHENS, RONALD A JR STEPHENS, NANCY 5107 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71

## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
1701400056	LOTS 5,6 BLK 11 HARBOR HILLS PI#37034.0000/6 SEC 29 TWP 34 S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 535 HILLCREST DR 34209 SCT	EASON, STEVEN C EASON, CANDICE D 535 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1701500003	LOTS 7,8 RIP RTS BLK 11 HARBOR HILLS PI#37035.0000/3 SEC 29 TWP 34 S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 527 HILLCREST DR 34209 SCT	SPAHN, RICHARD C SPAHN, MELISANDE C 527 HILLCREST DR BRADENTON, FL 34209-1839	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
1703600050	LOT 9, BLK 11, HARBOR HILLS, AND BEG AT THE SW COR OF LOT 9, RUN TH SW ALG THE W LN OF LOT 10, 20 FT; TH E THROUGH LOT 10 TO A PT ON THE E LN OF SD LOT 10 WHICH IS 22.7 FT FROM THE SE COR OF SD LOT 9; TH N TO THE SE COR OF SD LOT 9; TH W ON THE LN BETWEEN LOTS 9 AND 10 TO THE POB. AND ALSO BEG AT A PT ON THE W LN OF LOT 10, BLK 11, HARBOR HILLS, BEING 20 FT S OF THE NW COR OF SD LOT 10, TH RUN S 2 FT ALG SD W LN OF LOT 10; TH RUN E 160 FT TO A PT ON THE E LN OF SD LOT 10; BEING 24.7 FT S OF THE NE COR OF SD LOT 10; TH RUN N 2 FT ALG E LN OF LOT 10; TH RUN W 160 FT TO THE POB. (OR:433/6049) TOGETHER WITH O. R. 1517 PG 5298 DESC AS FOLLOWS: COM AT THE NWLY COR OF LOT 10 BLK 11 HARBOR HILLS SUB; TH SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 22 FT FOR A POB; TH CONT SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 1.5 FT; TH N 80 DEG 22 MIN 07 SEC E A DIST OF 160.21 FT TO A POINT ON THE ELY LN OF SD LOT 10; TH NWLY ALG SD ELY LN A DIST OF 3.6 FT; TH S 79 DEG 37 MIN 03 SEC W 160 FT TO THE POB. PI#37036.0005/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 519 HILLCREST DR 34209 SCT	TOLSON, GEORGE W TOLSON, SUE E 519 HILLCREST DR BRADENTON, FL 34209-1839	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3703910053	BEG AT A PT ON W LN OF LOT 10, BLK 11, HARBOR HILLS, BEING 22 FT S OF NW COR OF SD LOT 10, TH RUN E 160 FT TO A PT ON E LN OF SD LOT 10, BEING 24.7 FT S OF NE COR OF LOT 10; TH RUN S ALG E LN OF BLK 11, BEING 118.75 FT TO A PT ON E LN OF LOT 12, BEING 6.15 FT S OF NE COR OF LOT 12, TH RUN W 160 FT TO A PT ON W LN OF LOT 12, BEING 8.10 FT S OF NW COR OF LOT 12, TH RUN N 106.3 FT ALG W LN OF LOTS 12, 11 & 10 TO POB, LESS OR 1517 PG 5298 DESC AS FOLLOWS: COM AT THE NWLY COR OF LOT 10 BLK 11 HARBOR HILLS SUB, TH SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 22 FT FOR A POB; TH CONT SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 1.5 FT; TH N 80 DEG 22 MIN 07 SEC E A DIST OF 160.21 FT TO A PT ON THE ELY LN OF SD LOT 10; TH NWLY ALG SD ELY LN A DIST OF 3.6 FT; TH S 79 DEG 37 MIN 03 SEC W 160 FT TO THE POB. PI#37039.1005/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 511 HILLCREST DR 34209 SCT	RICHARDSON, CHARLES T RICHARDSON, CYNTHIA L 511 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3704000003	LOT 12 LESS THAT PART DESC IN ORB 734 P 145; ALL LOT 13 BLK 11 HARBOR HILLS PI#37040.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 507 HILLCREST DR 34209 SCT	WEBER, KENNETH P WEBER, LORI A 507 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3704100050	LOTS 1 & 2 BLK 12 HARBOR HILLS PI#37041.0005/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5111 RIVERVIEW BLVD 34209 SCT	MYERS, TROY H JR MYERS, CAROL L 5111 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3713000003	LOT A BLK 11 RESUB OF HARBOR HILLS PI#37139.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5115 HARBOR RD 34209 SCT	BERGERON, PHILIP H BERGERON, CAROL ANN 5115 HARBOR RD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
3714000001	LOT B & ALL LANDS IF ANY BET SD LOT & WARNERS E BAYOU RIP RTS BLK 11 RESUB OF HARBOR HILLS PI#37140.0000/1 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 543 HILLCREST DR 34209 SCT	HAMILTON, ELIZABETH MARIE HAMILTON, ELIZABETH MARIE REVOCABLE 543 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
371460009	LOT C BLK 11 RESUB OF HARBOR HILLS PI#37141.0000/9 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 537 HILLCREST DR 34209 SCT	FAIR, ANNE E 537 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
371460024	LOT 1 HARBOR WOODS SUB PI#37146.0002/4 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 415 HILLCREST DR 34209 SCT	BENNETT, EDWARD J III BENNETT, GWEN G 415 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
371460032	LOT 2 HARBOR WOODS SUB PI#37146.0003/2 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 411 HILLCREST DR 34209 SCT	ZULANAS, GEORGE J JR ZULANAS, VICKI K 411 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
371460040	LOT 3 HARBOR WOODS SUB PI#37146.0004/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 409 HILLCREST DR 34209 SCT	REID, GWENDOLYN BUNDY HOLLIDAY 409 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
371460057	LOT 4 HARBOR WOODS SUB PI#37146.0005/7 SEC 29 TWP 34 S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 403 HILLCREST DR 34209 SCT	TUCKER, JOHN B JR TUCKER, DIANE J 403 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71
371460065	LOT 5, HARBOR WOODS SUB. ALSO, ALL OF THAT REAL PROPERTY LOCATED BETWEEN AND THE EASTERN MOST TERMINUS OF SD LOT 5 OF SD SUB, AND THE FACE OF THE SEAWALL WHICH IS DIRECTLY E THEREOF AND CONTIGUOUS THERETO. (OR 1421 P 1818) PI#37146.0006/5 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 311 HILLCREST DR 34209 SCT	WALKER, RICHARD S WALKER, CYNTHIA M 311 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 1750.57 PER ERU TOTALS 1750.57 TOTAL ASSESSMENT: 1750.57 ANNUAL PAYMENT: 226.71



MANATEE COUNTY  
FLORIDA

January 15, 2010

Exhibit "B"  
Part 1 of 2

D.P. #<dp>  
<name>  
<address>  
<city>

**RE: Notice of Public Hearing  
Resolution R-10-007 Providing for the Adoption of the Special Assessment  
Roll and Collection of Special Assessment Liens for Canal Dredging  
Assessment Project No. 6054401 on Warner's East Bayou**

Dear<name>:

On March 1, 2005, a First Public Hearing was held for the dredging of Warner's East Bayou and Ordinance 05-23, with a 40 year County Contribution (38.21%), was adopted by the Board of County Commissioners (BCC). Your not to exceed assessment of \$13,771.84 per parcel was reduced to \$8,510.00 per parcel. On December 15, 2009, the BCC directed preparation of a resolution for the Second Public Hearing to further reduce the amount for the special assessment as described below.

The dredging has now been completed and a Second Public Hearing is required to adopt the special assessment roll and impose liens against all benefiting property owners. On December 15, 2009, the BCC directed staff to conduct a Second Public Hearing at which time the BCC determined to adjust the amount of the special benefit derived by the property owners downward such that the property owners will be responsible for 30% of the costs. As shown on the attached statement, your assessment of \$4,445.21 is substantially lower than what your assessment was at the First Public Hearing. Upon adoption of the special assessment roll, you will have 30 days to pay your assessment without interest. If not paid within the 30 day period, your first payment will automatically be placed on your November 2010 tax bill for 10 years at 5% interest. If you wish to pay the assessment at any time during the 10 year period, you will be responsible for the principal as well as the interest accrued to date.

A Second Public Hearing will be held by the Board of County Commissioners of Manatee County, Florida in the Chambers on the 1st floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida on **February 9, 2010** at **9:00 a.m.**, or as soon thereafter, to consider Resolution **R-10-007**. The purpose of the hearing and resolution is to adopt the special assessment roll and provide for the

Public Works Department / Project Management Division  
Mailing Address: P.O. BOX 1000, Bradenton, FL 34206-1000 \* Street Address: 1022 26<sup>th</sup> Avenue East, Bradenton, FL 34208  
PHONE: 941.708.7400 \* FAX: 941.708.7549  
[www.myanatee.org](http://www.myanatee.org)

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LARRY BUSTLE \* DR. GWENDOLYN Y. BROWN \* JOHN R. CHAPPIE \* RON GETMAN \* DONNA HAYES \* CAROL WHITMORE \* JOE MCCLASH  
District 1 District 2 District 3 District 4 District 5 District 6 District 7

collection of special assessments by the Tax Collector in accordance with the uniform method established in Section 197.3632, Florida Statutes.

The final special assessment roll has been completed and is on file at the Public Works Department and is open for inspection.

The improvements for which special assessment liens will be imposed are described as canal dredging improvements on Warner's East Bayou.

The enclosed statement provides details pertaining to the special assessment.

Pursuant to State Law, we are required to notify you of the following:

- 1. Your assessment, the unit of measurement applied against each parcel to determine the assessment, and the total revenue the county will collect is shown on the attached statement.**
- 2. The failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title.**
- 3. Assessments may be paid in equal payments over a period of ten (10) years with interest at the rate of 5% per annum.**
- 4. All affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners within twenty (20) days of this notice. Written objections should be sent to the Manatee County Public Works Department located at 1022 26th Avenue East, Bradenton, Florida.**
- 5. Upon the subdividing of all or a portion of a lot or parcel against which a special assessment lien has been established, all installments of principal remaining unpaid and interest due thereon shall be due and payable without notice or other proceedings.**
- 6. According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the public hearing, a record of the proceedings may be required and for such purpose, you may need to insure that a verbatim record of the proceedings is made, which would include any testimony or evidence upon which the appeal is to be based.**

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act,

should contact Kaycee Ellis at (941) 742-5800; TDD ONLY (941) 742-5802 and wait 60 seconds; FAX: (941) 745-3790.

Rules of Procedure for this public hearing are in effect pursuant to R-05-180. Copies of this Resolution are available for review at the Citizens Action Center on the ninth floor of the County Administration Building, 1112 Manatee Avenue West, Bradenton, Florida, and is available for purchase from the County Administrator's Office at cost.

Copies of the proposed resolution and the special assessment roll are available for review at the Manatee County Public Works Department located at 1022 26th Avenue East, Bradenton, Florida during normal business hours. For additional information, you may call Sherri Robinson, Assessment Coordinator, at (941) 708-7450, extension 7334.

Sincerely,



Timothy A. Hochuli, P.E.  
Deputy Director

cc: Dan Schlandt, Deputy County Administrator  
Ron Schulhofer, Public Works Director  
Sarah Schenk, Deputy County Attorney  
Bruce Simington, Project Management Division Manager  
Project File: 6054401 – Warner's East Bayou



THIS IS NOT A BILL!  
SPECIAL CANAL DREDGING ASSESSMENT STATEMENT  
FOR  
PROJECT NO. 6054401  
WARNER'S EAST BAYOU

D.P. #:<dp>  
<name>  
<address>  
<city>, <state> <zip>

THE TOTAL REVENUE THAT THE COUNTY WILL COLLECT FROM THE CANAL DREDGING ASSESSMENT:	<u>\$120,020.67</u>
THE UNIT OF MEASUREMENT APPLIED AGAINST EACH PARCEL TO DETERMINE THE ASSESSMENT IS COST PER UNIT:	<u>\$4,445.21</u>
THE TOTAL NUMBER OF UNITS ASSIGNED TO YOUR PROPERTY IS:	<u>1</u>
YOUR TOTAL CANAL DREDGING ASSESSMENT:	<u>\$4,445.21</u>
THE PRINCIPAL AND INTEREST PAYMENT DUE WITH YOUR 2010 TAXES WILL BE:	
\$444.52 = PRINCIPAL	
<u>\$131.16</u> = INTEREST	
<u>\$575.68</u> = CANAL DREDGING ASSESSMENT PAYMENT WHICH WILL APPEAR ON YOUR 2010 TAX BILL	
<b>NOTE:</b> NO MONEY IS DUE AT THIS TIME. YOU WILL RECEIVE A BILL FROM THE TAX COLLECTOR'S OFFICE GIVING YOU 30 DAYS TO PAY YOUR TOTAL CANAL DREDGING ASSESSMENT WITHOUT ANY INTEREST. IF NOT PAID IN THE 30 DAY PERIOD, YOUR FIRST PAYMENT WILL AUTOMATICALLY APPEAR ON YOUR 2010 TAX BILL.	

EXHIBIT "B-1"

AFFIDAVIT OF NOTICE

R-10-007

CANAL DREDGING ASSESSMENT PROJECT NO. 6054401  
WARNER'S EAST BAYOU

STATE OF FLORIDA}  
COUNTY OF MANATEE}

BEFORE ME, the undersigned authority, this day personally appeared SHERRI ROBINSON who being first duly sworn, deposes and says:

1. That I was an employee of Manatee County at all times material to this affidavit.
2. That I have personal knowledge of the facts stated herein.
3. That a notice conforming with Exhibit "B" attached hereto was prepared for first class mailing, that such a notice was addressed to each and every contiguous property owner identified on Exhibit "A", attached to Resolution R-10-007 as presented to the Board of County Commissioners on the 9th day of February, 2010 and prepared for mailing to such owner at the address indicated on Exhibit "A", and deposited for 1st class mailing with the county courier in the ordinary course of business on the 15th day of January 2010.

FURTHER YOUR AFFIANT SAITH NOT

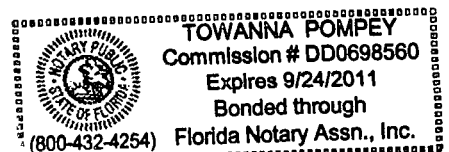
Sherril Robinson  
Signature of Affiant

State of Florida  
County of Manatee

Sworn to (or affirmed) and subscribed before me this 15<sup>th</sup> day of January, 2010 by Sherril Robinson.

Signature of Notary Public - State of Florida: Towanna Pompey

Print, Type or Stamp Commissioned Name of Notary Public:



Personally Known  Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# EXHIBIT "C"

## CANAL DREDGING ASSESSMENT PROJECT #6054401

### WARNERS EAST BAYOU



1 inch = 250 feet



Prepared by MCPWD - Utility Records

Legend	
<span style="display: inline-block; width: 20px; height: 10px; background-color: #4CAF50; border: 1px solid black;"></span>	Area of Canal Dredging Improvements



MANATEE COUNTY  
PUBLIC WORKS  
DEPARTMENT

County Commissioner: John R. Chappie

# BRADENTON HERALD

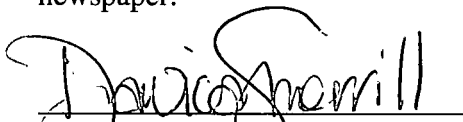
WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894  
Ph: 941-745-7066  
Fax: 941-708-7758

Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

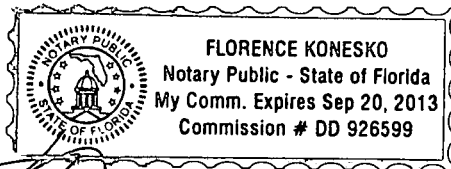
STATE OF FLORIDA  
COUNTY OF MANATEE

Before the undersigned authority personally appeared Danica Sherrill, who, on oath, says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, **NOTICE OF PUBLIC HEARING** as published in said newspaper in the issue **01/15/2010**.

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
15 Day of Jan, 2010



  
SEAL & Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

# BRADENTON HERALD

# CLASSIFIED ADVERTISING

Order:	131944936	Pubs:	1,9	Rate:	LE
Phone:	9417087450	Class:	4995	Charges:	\$ 0.00
Account:	11928	Start Date:	01/15/2010	List Price:	\$ 375.41
Name:	MANATEE,	Stop Date:	01/15/2010	Payments:	\$ 0.00
Firm:	MANATEE CO PROJECT	Insertions:	2	Balance:	\$ 375.41

**NOTICE OF PUBLIC HEARING  
SPECIAL ASSESSMENTS  
FOR CANAL DREDGING  
ASSESSMENT  
PROJECT NO. 6054401**

**WARNER'S EAST BAYOU**

NOTICE IS HEREBY GIVEN, pursuant to Section 197.3632, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Chambers of the Board at Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, on the 9th day of February, 2010, at 9:00 a.m., or soon thereafter, to consider, act upon, adopt or reject the following Resolution.

**RESOLUTION R-10-007**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING SPECIAL ASSESSMENT LIENS FOR CANAL DREDGING PROJECT NO. 6054401 ON WARNER'S EAST BAYOU (AKA THE WARNER'S EAST BAYOU CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT (MSBU)); CONFIRMING THE SPECIAL ASSESSMENT ROLL; AUTHORIZING AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENTS BY THE TAX COLLECTOR, IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, PROVIDING FOR THE CORRECTION OF ERRORS; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The final special assessment roll has been completed and is on

file in the Public Works Department and is open for inspection.

Upon the adoption of the Resolution and subject to such adjustments as may be determined at the public hearing, you are hereby notified of the following:

1. The property that will be subject to the special assessments consists of those lots and parcels that abut Warner's East Bayou.
2. The amount of revenues that will be collected from the special canal dredging assessments is **\$120,020.67**. The unit of measurement applied against each parcel to determine the assessment is **\$4,445.21** per parcel subject to such adjustments to any affected property as may be required based upon the benefit provided to the property with the revenue generated by the assessments.
3. The assessments will be payable in ten (10) annual payments with interest at the rate of 5% per annum and will be collected by the Tax Collector in accordance with the provisions of Section 197.3632, Florida Statutes.
4. The failure to pay assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

All affected property owners have the right to appear at the public hearing and the right to file written objections within twenty (20) days of the publication of the notice, addressed to Manatee County Public Works Department, located at 1022 26th Avenue East, Bradenton, Florida 34208.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered

at the meeting or hearing, he will need a record of the proceedings and for such purpose, he may need to insure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at (941) 742-5800; TDD ONLY (941) 742-5802 and wait 60 seconds; FAX (941) 745-3790.

Rules of Procedure for this public hearing are in effect pursuant to R-05-180 Copies of this Resolution are available for review at the Citizens Action Center on the ninth floor of the County Administration Building, 1112 Manatee Avenue West, Bradenton, Florida and are available for purchase from the County Administrator's Office at cost.

Copies of the proposed Resolution and the final special assessment roll are available at the Manatee County Public Works Department during normal business hours. For additional information, you may call Sherri Robinson, Assessment Coordinator at (941) 708-7450, extension 7334. A reasonable charge may be made for the provision of copies.  
01/15/2010

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

SUBJECT	Second Public Hearing for Canal Dredging Assessment Project No. 6054401 on Warner's East Bayou	TYPE AGENDA ITEM	Advertised Public Hearing (Presentations upon Request)
DATE REQUESTED	February 9, 2010	DATE SUBMITTED/REVISED	January 25, 2010
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	Collection of assessments would be delayed a year
DEPARTMENT/DIVISION	Public Works Project Management	AUTHORIZED BY TITLE	Ron Schulhofer <i>Ron Schulhofer</i> Public Works Director
CONTACT PERSON TELEPHONE/EXTENSION	Sherri Robinson Assessment Coord. – 7334	PRESENTER/TITLE TELEPHONE/EXTENSION	Sherri Robinson SR Assessment Coord. – 7334 <i>FAN 1/22/10</i>
ADMINISTRATIVE APPROVAL		<i>[Signature]</i>	

### ACTION DESIRED

INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

**Advertised Public Hearing:**

**Approval and adoption of the Special Canal Dredging Assessment Roll for Canal Dredging Assessment Project No. 6054401 on Warner's East Bayou.**

**Adoption of Resolution R-10-007 confirming the Special Assessment Roll and imposing liens on parcels located adjacent to Warner's East Bayou**

### ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

**R-97-30 – Maintenance Dredging Policy**

**APPROVED IN OPEN SESSION**

### BACKGROUND/DISCUSSION

FEB 09 2010

**See Pages "2-7"**

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

### COUNTY ATTORNEY REVIEW

Check appropriate box	
<input checked="" type="checkbox"/>	<b>REVIEWED</b> Written Comments: <input checked="" type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	<b>NOT REVIEWED (No apparent legal issues.)</b>
<input type="checkbox"/>	<b>NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)</b>
<input type="checkbox"/>	<b>OTHER</b>

**BACKGROUND/DISCUSSION CONTINUED:**

and a motion was made to proceed with the proposed canal dredging assessment project on Warner's West Bayou and include Warner's East Bayou. Since we had already begun the Warner's West project, there was no Preliminary Engineering Report or survey for Warner's East that would show us how much material was there. Our cost estimates were based on the amount of material that we would be able to remove under the Noticed General Permit (NGP) which is 6,500 cubic yards. Based on the Preliminary Engineering Report for Warner's West Bayou, approximately 2,923 cubic yards of material could be removed, which left 3,577 cubic yards of material for Warner's East Bayou for a combined total of 6,500 cubic yards.

- November 4, 2004, a First Public Information Meeting was held with the property owners to discuss the proposed dredging project.
- November 10, 2004, postcards were mailed to the property owners. The purpose of the postcard was to enable the property owners to register whether they were in favor of, or opposed to, the proposed canal dredging project.
- November 30, 2004, reminder postcards were mailed to the property owners who did not respond to the first postcard poll.
- December 2004, the results of the postcard poll were as follows:

In Favor of the Dredging:	27 = 86%
In Opposition to the Dredging:	2 = 7%
No Response:	2 = 7%

- January 20, 2005, a Second Public Information Meeting was held with the property owners to discuss the proposed canal dredging assessment project and the results of the postcard poll.
- February 1, 2005, a report was presented to the BCC and they authorized setting a First Public Hearing for the proposed dredging project on Warner's East Bayou.
- March 1, 2005, a First Public Hearing was held and Ordinance 05-23 establishing a Municipal Service Benefit Unit (MSBU) for canal dredging was adopted by the BCC. Since there was no Preliminary Engineering Report for Warner's East Bayou, there were no percentages for a 20 year or 40 year County contribution.

Based on this, the BCC approved a 40 year County contribution of 38.21% which was the same percentage approved for Warner's West Bayou.

- Property owners were noticed of a not to exceed assessment of \$13,771.84, which was based on no County contribution. After approval of a 40 year contribution (38.21%), their assessment was reduced to \$8,510.

**BACKGROUND/DISCUSSION CONTINUED:**

- **Costs and scopes were based on a Boyle Engineering Report of Warner's West Bayou dated November 2002, and WCIND's Noticed General Permit (NGP) allowance of 6,500 cubic yards of sediment removal (2,923 cubic yards could be removed from Warner's West Bayou, which left 3,577 cubic yards for Warner's East Bayou). The County did not do a study for Warner's East Bayou as it was added to Warner's West Bayou on September 21, 2004, for a cost savings by the BCC in anticipation of WCIND participation.**
- **The proposed scope was to hydraulically dredge the existing channel to 5' below mean low water (-5.3' NGVD) with a 30' cut in the center of the canal. Approximately 3,577 cubic yards of sediment were to be removed from the canal.**
- **April 12, 2005, Coastal Engineering Consultants, Inc., developed a dredging plan for WCIND. Warner's East Bayou's plan covered all but 200' of assessment area utilizing a 30 foot cut to approximately -4.8' NGVD, with removal of approximately 4,580 cubic yards of sediment.**
- **July 11, 2005, WCIND's engineer received Florida Department of Environmental Regulation (FDEP) authorization under its NGP to dredge approximately 6,500 cubic yards of material from Warner's East and West Bayous to a depth of 5' below mean low water level.**
- **September 13, 2005, BCC authorized a letter requesting WCIND dredge Warner's East Bayou and Warner's West Bayou, and a letter was subsequently executed on October 11, 2005.**
- **August 15, 2006, BCC executes Memorandum of Agreement for WCIND participation and reimbursement for County projects.**
- **February 2007, WCIND receives authorization from FDEP for dredging approximately 200' at the south end of Warner's East Bayou, an area not covered by the NGP, allowing for an additional 280 cubic yards of material to be removed.**
- **March/April 2007, WCIND's contractor mobilizes and commences dredging Warner's East Bayou.**
- **October 2007, WCIND's contractor completes the dredging of Warner's East Bayou.**
- **October 12, 2007, as-builts were submitted with the following information:**
  - **Warner's East Bayou was dredged with a 30 foot cut to a depth of -4.8' NGVD with the exception of the south end, which was a 10' to 15' cut to a depth of approximately -3.3' NGVD. Approximately 7,593 cubic yards of sediment were removed.**



**BACKGROUND/DISCUSSION CONTINUED:**

- **November 27, 2007, based on complaints from property owners at the south end that the dredging was not close to -5.3 NGVD, a report was presented to the BCC. BCC directed staff to schedule a Second Public Hearing and modify the assessment roll for the property owners at the south end who did not receive any benefit from the dredging.**
  - **The following four (4) property owners were removed from the project:**
    1. **Dan Swank and Melody Swank**
    2. **Daniel Wood and Jenan Wood**
    3. **Philip Coon and Melissa Coon**
    4. **Matthew McKinnon and Debra Burger**
- **April 22, 2008, BCC authorized setting a Second Public Hearing for August 12, 2008. Due to all the costs of the project not posted, the Public Hearing was moved to August 26, 2008.**
- **August 26, 2008, Second Public Hearing was held for Warner's East Bayou.**
  - **At the meeting, several property owners spoke of their dissatisfaction with the dredging as follows:**
    - **Property owners were frustrated that the contractor could not work outside of the permit to do additional dredging.**
    - **Discrepancies with assessment information.**
    - **WCIND permit obtained after the First Public Hearing consisted of a reduced scope from the initial presentation.**
  - **Based on the above information, BCC directed staff to conduct a Public Information Meeting with the property owners to review their concerns from the Second Public Hearing, make recommendations to the BCC and then reschedule a new Second Public Hearing to assess the property owners.**
- **October 29, 2008, Public Information Meeting was held with the property owners.**
  - **Dredging depth was not as expected.**
    - **Per First Public Hearing transcripts, dredging depth might be reduced to stay within WCIND's noticed general permit requirements – Depth was reduced from -5.3' to -4.8' NGVD.**
  - **Dredging was not as close to the docks as expected**

**BACKGROUND/DISCUSSION CONTINUED:**

- Per First Public Hearing transcripts, it was explicitly mentioned that dredging would be 10' to 15' from docks and independent contracting with the contractor would be discouraged.
- Property owners were noticed that stormwater work would be done – stormwater work was not to be assessed in any case.
- Under the Noticed General Permit (NGP), 6,500 cubic yards could be removed from both canals. Based on the Preliminary Engineering Report for Warner's West, approximately 2,923 cubic yards of material could be removed, which left 3,577 cubic yards of material for Warner's East, which did not have a Preliminary Engineering Report. After the dredging was completed, 3,318 cubic yards were removed from Warner's West and 7,593 cubic yards were removed from Warner's East.
- January 20, 2009, Work Session on canal dredging was held with the BCC. Staff was directed to:
  1. Obtain estimate for dredging "bank to bank"
  2. Hold off on Second Public Hearing until issues are resolved
  3. Report back to the BCC
- February - March 2009, briefings were held with the BCC.
- April 7, 2009, report was presented to the BCC on canal dredging. Staff presented the following three options:
  1. County pays the entire cost of the dredging with no assessment to the property owners and no additional dredging is done.
  1. Second Public Hearings are held, the property owners are assessed and no additional dredging is done.
  3. Request from property owners for additional dredging. Another permit would have to be obtained.

Staff was directed to conduct the Second Public Hearing to rescind Ordinance 05-23, which was adopted on March 1, 2005, and that the County would absorb the entire cost of the dredging with no assessment to the property owners. No further dredging would take place.

- May 13, 2009, meeting was held with Ron Schulhofer, Public Works Director; Tim Hochuli, Deputy Director of Project Management; Sherri Robinson, Assessment Coordinator; and Sarah Schenk, Assistant County Attorney, to discuss Warner's East Bayou and Warner's West Bayou. Public funds cannot be used to pay for the dredging of Warner's East Bayou and Warner's West Bayou.

**BACKGROUND/DISCUSSION CONTINUED:**

- **May 19, 2009, Second Public Hearing was to be held. Property owners were notified and an ad was published. Public Hearing was cancelled at the request of the County Attorney's Office (CAO) and the property owners were notified of the cancellation.**
- **August 18, 2009, individual briefings were held with Commissioners Chappie, McClash and Brown to explain that the option of the County paying for the dredging of Warner's East Bayou should not have been an option and the property owners need to be assessed.**
- **September 8, 2009, individual briefings were held with Commissioners Whitmore, Getman and Hayes to explain that the option of the County paying for the dredging of Warner's East Bayou should not have been an option and the property owners need to be assessed.**
- **September 14, 2009, a briefing was held with Commissioner Bustle to explain that the option of the County paying for the dredging of Warner's East Bayou should not have been an option and the property owners need to be assessed.**
- **December 15, 2009, report was presented to the BCC. Since it has been determined that the County cannot pay 100% for the dredging of Warner's West Bayou, the BCC directed staff to conduct a Second Public Hearing at which time the BCC determined to adjust the amount of the special benefit derived by the property owners downward such that the property owners will be responsible for 30% of the costs. The BCC also determined to extend the period of time for repayment of the special assessment from five (5) years as initially set forth in Ordinance No. 05-23 to ten (10) years.**

February 9, 2010

R-10-007

FEASIBILITY REPORT  
FOR CANAL DREDGING ASSESSMENT PROJECT NO. 6054401  
WARNER'S EAST BAYOU

SECOND PUBLIC HEARING

CANAL DREDGED: SEE LOCATION MAP

TOTAL ASSESSABLE PARCELS:	<u>27</u>
COST PER PARCEL:	<u>\$4,445.21</u>
ANNUAL PAYMENT (5 YRS AT 5%):	<u>\$1,026.73</u>
ANNUAL PAYMENT (10 YRS AT 5%):	<u>\$575.68</u>

CHARACTER OF NEIGHBORHOOD: SINGLE FAMILY HOMES

DREDGING IMPROVEMENTS: MAINTENANCE DREDGING TO -4.8' NGVD  
30' CUT IN THE CENTER OF CANAL  
REMOVAL OF 7,593 CUBIC YARDS OF SEDIMENT

METHOD OF ASSESSMENT: COST PER PARCEL

STATUS TO DATE: 100% COMPLETE

DREDGING COSTS:

1. DREDGING COST (WCIND).....	\$376,191.11
2. MISCELLANEOUS COSTS (FED-EX AND BRADENTON HERALD).....	\$280.34
3. PROJECT MANAGEMENT OVERHEAD ALLOCATION .....	\$11,595.31
4. TOTAL PROJECT COST.....	<u>\$388,066.76</u>
5. LESS: COUNTY CONTRIBUTION (70%).....	<u>\$271,646.73</u>
6. SUBTOTAL.....	<u>\$116,420.03</u>
7. PROPERTY APPRAISER & TAX COLLECTOR (3%).....	<u>\$3,600.64</u>
8. TOTAL ASSESSMENTS.....	<u>\$120,020.67</u>

COST PER PARCEL (2ND PUBLIC HEARING):.....	<u>\$4,445.21</u>
COST PER PARCEL (1ST PUBLIC HEARING):.....	<u>\$8,510.00</u>

DEPARTMENT FINDINGS: TAKE THE NECESSARY ACTION TO IMPOSE LIENS  
UPON BENEFITING PROPERTY OWNERS.

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
<ol style="list-style-type: none"> <li>1. Feasibility Report</li> <li>2. Resolution R-10-007</li> <li>3. Exhibit "A", Part 1 of 2</li> <li>4. Exhibit "A", Part 2 of 2 – Assessment Roll</li> <li>5. Exhibit "B", Part 1 of 2 – Notice to Property Owners</li> <li>6. Exhibit "B", Part 2 of 2</li> <li>7. Exhibit "B-1" – Affidavit of Notice</li> <li>8. Exhibit "C" – Location Map</li> <li>9. Aerial</li> <li>10. List of Property Owners</li> <li>11. Proof of Publication</li> <li>12. CAO Memo dated March 10, 2009</li> <li>13. CAO Memo dated August 11, 2009</li> <li>14. CAO Memo dated September 3, 2009</li> <li>15. CAO Memo dated January 11, 2010</li> </ol>		<p>Please Record Resolution No. R-10-007, Exhibit "A", Part 1 of 2, Exhibit "A", Part 2 of 2 (Assessment Roll), Exhibit "B", Part 1 of 2 (Notice to Property Owners), Exhibit "B", Part 2 of 2, Exhibit "B-1" (Affidavit of Notice), Exhibit "C" (Location Map) and Proof of Publication. Send recorded copies to Tax Collector's Office (Sara Ackley), Property Appraiser's Office (JoAnn Wainwright) and Public Works, Project Management Division (Sherri Robinson). (Recording Fees: AR300026)</p> <p><i>Emailed 9/22/10</i>  <i>WP</i></p> <p><i>\$180<sup>00</sup></i></p>	
COST:	<p>Total Project Cost = \$388,066.76                      Cost to the County (70%) = \$271,646.73                      Cost to property owners = \$120,020.67                      Cost per Parcel = \$4,445.21</p>	SOURCE (ACCT # & NAME):	<p>Assessment                      Dredging Capital Projects                      316-6054401 (Warner's East)</p>
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

**BACKGROUND/DISCUSSION:**

- June 28, 1999, petition submitted from the property owners on Warner's West Bayou requesting that their canal be dredged.
- November 2002, Preliminary Engineering Report submitted from Boyle Engineering. The proposed scope of the project was to hydraulically dredge the existing channel to 5 feet below mean low water (-5.3' NGVD) with a 30' cut in the center and the removal of approximately 2,923 cubic yards of sediment from the canal. County contribution was estimated at 19.12% for 20 years and 38.21% for 40 years.
- August 3, 2004, an e-mail was submitted from Tom Ewing (a property owner on Warner's West Bayou) and discussion took place on monetary commitments that have been made by approximately 60% of the property owners, and there was the ability to piggyback on a dredging project in progress on Snead Island. Staff was directed to bring Warner's West Bayou back as an assessment project as soon as possible.
- September 21, 2004, a report was presented to the Board of County Commissioners (BCC) on the status of the proposed canal dredging assessment project on Warner's West Bayou. Discussion took place on Warner's East Bayou

# Canal Dredging Assessment Projects Warner's East Bayou and Warner's West Bayou



1 inch = 800 feet




County Commissioner: John R. Chappie



MANATEE COUNTY  
PUBLIC WORKS  
DEPARTMENT

Prepared by MCPWD - Shannon Johann

## Legend

 Area of Canal Dredging Improvements

February 9, 2010

**CANAL DREDGING ASSESSMENT PROJECT NO. 6054401  
WARNER'S EAST BAYOU**

<b>TOTAL NUMBER OF PARCELS:</b>	<b>27</b>
<b>COST PER PARCEL:</b>	<b>\$4,445.21</b>
<b>TOTAL CANAL DREDGING ASSESSMENT:</b>	<b>\$120,020.67</b>
<b>ANNUAL PAYMENT - 10 YEARS @ 5% INTEREST:</b>	<b>\$575.68</b>

<b>D.P. #</b>	<b>NAME</b>	<b>CANAL DREDGING ASSESSMENT</b>
35775.1000/5	TRICE	\$4,445.21
35799.0000/6	CONLEY	\$4,445.21
35800.0000/2	MIRE	\$4,445.21
35802.0000/8	KLEMENT	\$4,445.21
35803.0000/6	HOWARD	\$4,445.21
35804.0000/4	HARDING	\$4,445.21
35805.0000/1	BRULATO	\$4,445.21
35806.0000/9	HARGREAVES	\$4,445.21
35807.0000/7	URRUTIA	\$4,445.21
35808.0000/5	RUSIN	\$4,445.21
35809.0000/3	TINSWORTH	\$4,445.21
35810.0000/1	MATTA	\$4,445.21
35811.0000/9	STEPHENS	\$4,445.21
37034.0000/6	EASON	\$4,445.21
37035.0000/3	SPAHN	\$4,445.21
37036.0005/0	TOLSON	\$4,445.21
37039.1005/3	RICHARDSON	\$4,445.21
37040.0000/3	WEBER	\$4,445.21
37041.0005/0	MYERS	\$4,445.21
37139.0000/3	BERGERON	\$4,445.21
37140.0000/1	HAMILTON	\$4,445.21
37141.0000/9	FAIR	\$4,445.21
37146.0002/4	BENNETT	\$4,445.21
37146.0003/2	ZULANAS	\$4,445.21
37146.0004/0	REID	\$4,445.21
37146.0005/7	TUCKER	\$4,445.21
37146.0006/5	WALKER	\$4,445.21
		<b>\$120,020.67</b>



Office of  
**MANATEE COUNTY  
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Assistant County Attorney  
Maureen S. Sikora, Senior Assistant County Attorney\*  
Robert M. Eschenfelder, Assistant County Attorney  
Rodney C. Wade, Assistant County Attorney\*  
William E. Clague, Assistant County Attorney  
James R. Cooney, Assistant County Attorney  
Sarah A. Schenk, Assistant County Attorney\*

M E M O R A N D U M

DATE: March 10, 2009  
TO: Ron Schulhofer, Director, Public Works Department  
THRU: Tedd N. Williams, Jr., County Attorney *JNW 3/10/09*  
FROM: Sarah A. Schenk, Assistant County Attorney *SAS 3, 10, 09*  
RE: Canal Dredging; RLS-08-356; CAO File No. 9001-005

Background:

The following RLS response is a combined request from an RLS earlier submitted by Public Works staff, addresses issues raised at the Work Session of the Board of County Commissioners on January 20, 2009, and issues regarding the pending MSBUs for Warner's East and West raised by staff subsequent to the January 20, 2009 BOCC work session.

Issues Presented:

1. Whether the County is legally obligated to financially participate in dredging projects of canals?
2. Whether the County incurs legal liability by being the applicant for permits for dredging for navigational purposes?
3. Whether the County can participate or already has in place a stormwater utility fee system and how does that relate to maintaining the subject canals?

\* Board Certified City, County & Local Government Law

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4. Subsequent to the January 20, 2009 BOCC work session, you have inquired as to whether the MSBUs established for Warner's East and Warner's West Bayous could have the time period for the payment of canal dredging assessments being extended beyond the five years initially stated in the enabling ordinances?

Discussion:

1. **Obligation of County to Dredge Canals:** RLS-08-356 provided a factual background by which you stated there were several types of canals: those canals that are considered sovereign lands of the State; navigational canals that were dug by a private developer as part of the canal front development and which are shown on the plat; and finally, canals likewise dug by private developers as part of the canal front development which are not shown on the plat. You further stated all the above-described canals or channels receive some drainage naturally or were designed to receive some drainage by the developers, but there was no provision for funding the long-term maintenance of these canals.

The County does not have a legal responsibility to dredge canals even if some materials from public drainage outfalls flow into those canals as sediment.

The powers and duties conferred upon Manatee County in Section 125.01(j) and (q), Florida Statutes, are enabling authority to establish and administer programs for navigation and do not create a duty to provide maintenance dredging for all canals in the County for purpose of navigation. Specifically, Section 177.081(3), Florida Statutes, provides in regard to the platting of subdivisions, a requirement that a plat bearing a dedication executed by the owners of record and mortgagees depicting all streets, alleys, easements, rights-of-way and public areas shown on such plat and unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes therein stated. Said subsection provides additionally: "However, nothing herein shall be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the governing body."

This principle is affirmed by the court in Ecological Development, Inc. v. Walton County, 558 So.2d 1059 (1<sup>st</sup> DCA 1990), in which is a subdivision developer filed an action against a county after the county voted to abandon its obligation to maintain dedicated subdivision roads. The county maintained in this case that the roads were not properly built causing considerable maintenance problems. Although the court ultimately held that the county had not properly followed the abandonment procedure in applicable statutes, the court stated: "The court's opinion did not encompass any declaration by the court with respect to the county's exercise of its discretion regarding frequency, quality or extent of maintenance." The court held that a county could not be obligated nor can it be compelled to perform or provide for any particular construction or maintenance of these roads except such as it voluntarily assumed to do. It should be noted that the depiction of roads on a plat under the above-described statute does not in itself create a maintenance obligation on behalf of the county. It would be important to the county not to voluntarily assume a regular maintenance obligation of navigable canals. I noted that in both the

ordinances establishing the Warner's West and Warner's East Bayou canal dredging projects that there is an express disclaimer for purposes of the MSBUs for a "one-time maintenance dredging."

2. Liability of County as Permittee:

A. Tort Liability: Under circumstances wherein the county applies for the dredging permit from the applicable state agency and is itself the applicant, the county has the potential to incur exposure for tort liability. The planning level function of approving a plat which depicts a canal bordering a residential property has been held by the courts to be a "governmental function and the local government approving the plat was held immune from liability for personal injury occurring within the canal." (See for example Loveland v. Orem City Corp. 746 P2d 763 (Supreme Court Utah 1987). My research did not disclose any cases in Florida regarding the waiver of sovereign immunity when the local government performs dredging. It would be better practice for the county in the event property owners desire to have dredging performed (that goes beyond the dredging within the scope of the applicable MSBU for the navigable channel consisting of sovereign submerged land )and goes over private property, the property owners should apply through an appropriate agent for a permit from the regulatory agency of the state and thus assume liability for the obligations owed to the state for properly performing the dredging operation. Some courts have held dredging to be an inherently dangerous or extraordinarily risky activity when damages are done by a dredge operator. (See American Law Reports, 62 ALR 3d 526).

B. Financial Liability of County as Permittee: If the County is a permittee on a permit application, the DEP's enforcement remedies will look directly to the County for payment for fines and penalties and responsibility to cure violations and provide any mitigation. Manatee County would assume responsibility for actions of the dredging contractors if it is the applicant on the FDEP dredging permit. The responsibility for fines would also be in addition to any severance taxes.

3. Stormwater Utility Fee: The issue was raised at the January 20, 2009 BOCC work session whether the County could enable a stormwater utility fee to be collected. It should be noted that a stormwater utility fee was established in the County Code of Ordinances known as Article III, Stormwater Management System, of Chapter 2-10. (Maureen Sikora, by way of a separate Request for Legal Services, will be responding to the County Administrator regarding the stormwater management system issues.) It should be noted though that the stormwater utility fee (not implemented) described in said Chapter is under the authority of Section 403.0893, Florida Statutes, and it is expressly limited to an amount related to the benefit derived from the use of the stormwater facilities of the system and the future improvements to be funded from the stormwater utility fees for operation and maintenance of the stormwater system. The possible stormwater utility fee (not yet implemented) has absolutely no relationship whatsoever to dredging.

4. Period of Collection for Special Assessments: Subsequent to the January 20, 2009 BOCC work session, staff has inquired as to whether the period of collection for the Warner's East Bayou canal dredging MSBU (Ordinance No. 05-23) and that for the

Warner's West Bayou canal dredging MSBU (Ordinance No. 05-18) could be extended beyond the five-year term. As both ordinances provide for special assessments to be collected annually for five years with interest at the rate of 5% per annum, in the event the County Commission determined to provide for a longer period of collection for one or both of these MSBUs, the enabling legislation in Ordinance No. 05-18 for Warner's West and Ordinance No. 05-23 for Warner's East, as applicable, would need to be amended, appropriately advertised and mailed notice provide to the property owners within each respective MSBU.

Conclusion:

I hope the above has addressed issues raised by staff by way of the prior RLS, staff meetings, as well as the January 20, 2009 BOCC Work Session. Kindly contact me if you have any questions in this regard.

SAS:mz

cc: Board of County Commissioners  
Ed Hunzeker, County Administer  
Sia Mollanazar, Division Manager, Transportation Dept.  
Tim Hochull, P.E., Deputy Director, Project Management  
Robert Brown, Sr. Environmental Admin., Natural Resources Dept.  
Bruce Simington, Project Management Div. Mgr., Public Works Dept.  
Sherri Robinson, Assessment Coordinator, Public Works Dept.  
Maureen Sikora, Senior Assistant County Attorney



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Rodney C. Wade, Deputy County Attorney\*  
William E. Clague, Deputy County Attorney  
James R. Cooney, Deputy County Attorney  
Sarah A. Schenk, Deputy County Attorney\*

M E M O R A N D U M

DATE: August 11, 2009  
TO: Ron Schulhofer, Director, Public Works Department  
THRU: Tedd N. Williams, Jr., County Attorney *TNW 8/12/09*  
FROM: Sarah A. Schenk, Assistant County Attorney *SAS 8/11/09*  
RE: *Warner's West Bayou Canal Dredging Municipal MSBU and Warner's East Bayou Canal Dredging MSBU; RLS-09-205; CAO File 9000-040*

Background:

One of the actions taken by the Board of County Commissioners at their meeting on April 7, 2009 regarding a report on several canal dredging projects was relative to the existing MSBUs for Warner's East Bayou and Warner's West Bayou. These MSBUs are codified in Ordinance No. 05-18 establishing the Warner's West Bayou Canal Dredging Municipal Service Benefit Unit (MSBU) and Ordinance No. 05-23 establishing Warner's East Bayou Canal Dredging Municipal Service Benefit Unit (MSBU). The Board was presented with 3 options by staff and elected to follow Option 1 which read: "County pays entire cost of the dredging with no assessment to the property owners—no additional dredging is done."

Issue:

The preparation of ordinances to rescind Ordinance No. 05-23 (Warner's East Bayou Canal MSBU) and Ordinance No. 05-18 (Warner's West Bayou Canal MSBU) has been problematic. The CAO has met with staff several times on issues arising out of the difficulty in preparing these ordinances. The following is a summary of the issues as presented.

Brief Discussion:

In Ordinance No. 05-18 establishing the Warner's West Bayou Canal Dredging Municipal Service Benefit Unit (MSBU), there were legislative findings of the Board that the canals of these

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subdivisions are available for navigation for the general public and the property in the MSBU will derive a "special benefit" from the project and the assessment is designed to be fairly and reasonably apportioned among the properties. The Board having heard and considered evidence submitted, presentations made and documents filed in the public hearing on the adoption of Ordinance No. 05-18 made specific findings that: "The Board finds that benefits provided to affected lands include by way of example and not limitation, the enhanced navigability of the canals, the enhanced waterfront access to the parcels and the potential increase in, or maintenance of, values to improved residential lands." The agenda materials from the April 7, 2009 Board meeting indicated that the County's contribution was equivalent to approximately 38.21% of the total cost.

In Ordinance 05-23 establishing the Warner's East Bayou Canal Dredging Municipal Service Benefit Unit (MSBU), there were legislative findings that the canals of these subdivisions are available for navigation for the general public and the property owners within the MSBU will derive a "special benefit" from the project and the assessment is designed to be fairly and reasonably apportioned among the properties. The Board also made findings: "The Board finds that benefits provided to affected lands include by way of example and not limitation, the enhanced navigability of the canals, the enhanced waterfront access to the parcels and the potential increase in, or maintenance of, values to improved residential lands." The agenda materials from the April 7, 2009 Board meeting indicated that the County's contribution toward the cost of the dredging for Warner's East Bayou was approximately 38.21% of the total cost.

#### Conclusion:

In order for the CAO to bring back ordinances to rescind Ordinance 05-18 (establishing the Warner's West Bayou Canal MSBU) and Ordinance 05-23 (establishing the Warner's East Bayou Canal MSBU), there would need to be a factual basis upon which the Board could base their revised legislative findings to conclude that there was a public purpose served by the County paying 100% of the cost of the dredging for both Warner's West Bayou and Warner's East Bayou as opposed to only contributing 38.21% as previously determined.

Based upon discussion with staff, it appears there is lacking a factual basis upon which the Board may conclude that the County should pay 100% of the cost of the Warner's East Bayou Canal Dredging project or the Warner's West Bayou Canal Dredging project.

Prior to advertising the ordinances to modify the enabling legislation for the Warner's East or Warner's West MSBU, it would be necessary to bring back this item for discussion before the Board of County Commissioners to offer options for the Board to consider and explain the issues involved with the County bearing 100% of the cost for these dredging projects. It is critical from a legal perspective that a public purpose be established for the County bearing responsibility for 100% of the cost for these dredging projects. In order to facilitate this matter, you may wish to schedule individual briefings with members of the Board. If you do so, kindly contact the CAO so we may attend as well.

SAS:mz

cc: Ed Hunzeker, County Administrator  
Tim Hochuli, P.E., Deputy Director, Project Management  
Sia Mollanazar, Infrastructure Eng. Div. Mgr., Public Works Dept.  
Bruce Simington, Project Management Div. Mgr., Public Works Dept.  
Sherri Robinson, Assessment Coordinator, Public Works Dept.



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Rodney C. Wade, Deputy County Attorney\*  
William E. Clague, Deputy County Attorney  
James R. Cooney, Deputy County Attorney  
Sarah A. Schenk, Deputy County Attorney\*

M E M O R A N D U M

DATE: September 3, 2009

TO: Board of County Commissioners

THRU: Tedd N. Williams, Jr., County Attorney *TNW 9/3/09*

FROM: Sarah A. Schenk, Assistant County Attorney *SAS 9.3.09*

RE: *Warner's West Bayou Canal Dredging MSBU and Warner's East Bayou Canal Dredging MSBU; RLS-09-205; CAO File 9000-040*

Background:

The Warner's West Bayou Canal Dredging MSBU and Warner's East Bayou Canal Dredging MSBU are both planned for consideration by the Board at the meeting on September 22, 2009. This memorandum is provided as a follow up to my memorandum to Ron Schulhofer dated August 11, 2009, a copy of which is attached. In that memorandum, I expressed concern that there was a lack of an adequate factual basis upon which the Board of County Commissioners could base a revised legislative finding to conclude that there was a public purpose served by the County paying 100% of the cost of the dredging for both Warner's West Bayou and Warner's East Bayou.

Brief Discussion:

The duties conferred upon Manatee County in Section 125.01, Subparagraphs (j) and (q), Florida Statutes, are enabling authority to establish and administer programs for navigation but do not create an obligation within subdivisions upon a governing body to perform maintenance dredging. (Section 177.081(3), Florida Statutes). Previously, in Ordinance No. 05-18 establishing the Warner's West Bayou Canal Dredging MSBU, there were legislative findings of the Board that the canals of these subdivisions were available for navigation for the general public and the property in the MSBU will derive a "special benefit" for the dredging project. Similarly, in Ordinance No. 05-23 establishing the Warner's East Bayou Canal Dredging MSBU, there were legislative findings that the canals of these subdivisions are available for navigation for the general public and the property owners within the MSBU will derive a "special benefit" from the dredging project. In both instances, the agenda materials from the April 7, 2009 Board meeting indicated that the County's contribution was equivalent to approximately 38.21% of the total cost. There has been some issue raised in court cases that local government maintenance of such canals could violate the public purpose requirements for

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expenditure of public funds under the Florida Constitution. See Brumby v. City of Clearwater, 149 So. 203 (Fla. 1933). In order for the Board to revise the legislative findings and conclude that there is a public purpose served by the County paying more than 38.21% of the total cost, there would need to be a factual basis in the record before the Board.

Discussion:

County Commissioners generally may not expend County funds except for the purposes and in the manner expressly provided by law. Specifically Article XIII, Section 1(b), Florida Constitution provides: "County Funds. The care, custody and method of disbursing county funds shall be provided by general law." General law is a reference to Florida Statutes.

Section 129.08, Florida Statutes provides:

"Each member of the board of county commissioners who knowingly and willfully votes to incur an indebtedness against the county in excess of the expenditure allowed by law or county ordinance, or to pay an illegal charge against the county, or to pay any claim against the county not authorized by law or county ordinance shall be guilty of malfeasance in office and subject to suspension and removal from office as now provided by law, and shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not more than 6 months, for each offense. (Emphasis added)

For example, County Commissioners who have spent County funds except for purposes in the manner, expressly provided by law can be held personally liable for money voted and paid out without authority of the law when the act in question is equivalent to a misappropriation of the public funds so paid out. See White v. Crandon, 156 So. 303 (Fla. 1934).<sup>1</sup>

Conclusion:

The determination of what constitutes a valid public purpose for the expenditure of public funds is a factual determination for the Board of County Commissioners.<sup>2</sup> However, the risk incurred in making a decision to expend County funds for the benefit of private individuals without a valid public purpose is also born collectively and individually by the members of the Board of the County Commission. It is critical from a legal perspective that a public purpose be established for the County bearing a certain percentage of the cost of these dredging projects. The action requested is for the Board to allocate a certain percentage of the total cost of the dredging among the properties within each respective MSBU such that a final assessment ordinance can be brought back before the Board for each MSBU and set for public hearing.

SAS:mz  
Enclosures

cc: Ed Hunzeker, County Administrator  
Ron Schulhofer, Director, Public Works Department  
Tim Hochuli, P.E., Deputy Director, Project Management  
Sia Mollanazar, Infrastructure Eng. Div. Mgr., Public Works Dept.  
Bruce Simington, Project Management Div. Mgr., Public Works Dept.  
Sherri Robinson, Assessment Coordinator, Public Works Dept.

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<sup>1</sup> The end result of this case turned upon the particular facts involved and ultimately held that the County Commissioners in that case were not personally liable for the expenditure of public funds for employment of special legal counsel. However, the general principle is still valid.

<sup>2</sup> See Opinion of Attorney General AGO 90-37.



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William E. Clague, Deputy County Attorney  
James R. Cooney, Deputy County Attorney  
Sarah A. Schenk, Deputy County Attorney\*

**M E M O R A N D U M**

**DATE:** January 11, 2010  
**TO:** Ron Schulhofer, Director, Public Works Department  
**THRU:** Tedd N. Williams, Jr., County Attorney *TNW 1/11/10*  
**FROM:** Sarah A. Schenk, Deputy County Attorney *SAS 1/11/2010*  
**RE:** *Warner's West Bayou Canal Dredging MSBU and Warner's East Bayou Canal Dredging MSBU; RLS-09-274 & 09-275; CAO File 9000-047 & 9000-048*

**Background:**

The Board of County Commissioners at their meeting on December 15, 2009, authorized preparation of two resolutions to provide for the confirmation of the final assessment roll for both the Warner's West and Warner's East Bayou Canal Dredging MSBUs. Subsequently, your staff provided this office with a preliminary draft copy of Proposed Resolution No. 10-006 in draft form for the Warner's West Bayou Canal Dredging MSBU for review and use as a template for the Warner's East Bayou Canal Dredging MSBU resolution.

**Discussion:**

We have reviewed the draft format for the resolution for Warner's West Bayou Canal Dredging MSBU and made revisions as indicated on the attached revised draft resolution which will be provided to you electronically.

Of importance, we have inserted the findings regarding the adjustment to the amount of the special benefit received in order to reduce the special assessment to 30%

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and to provide for the 10 year period for payments of the special assessment. Please label the exhibits for each resolution. It starts off with Exhibit C; I am unclear where Exhibit B is.

**Revisions to Public Hearing Notice and Letter to Property Owners:**

1. The first paragraph should be revised to clarify that the Board of County Commissioners, on December 15, 2009, directed preparation of a resolution for the second public hearing to further reduce the amount for special assessment as described below.

2. In the second paragraph in the notice letter, delete: "they would absorb 70%" and state that: "At which time the Board of County Commissioners determined to adjust the amount of the special benefit derived by the property owners downward such that the property owners will be responsible for 30% of the costs."

**Conclusion:**

Kindly provide this office with the draft of the Warner's East Bayou Canal Dredging MSBU resolution for review as well. It is our understanding you intend to have both these resolutions advertised appropriately in accordance with Chapter 197, Florida Statutes, for the public hearing scheduled for February 9, 2010 before the Board of County Commissioners. If you require anything further, please let me know.

SAS:mz

Enclosure

cc: Tim Hochuli, P.E., Deputy Director, Project Management Dept.  
Sherri Robinson, Assessment Coordinator, Public Works Dept.

never have the right to require or compel the exercise of the ad valorem taxing power of the County for the payment of the principal of and interest on the bonds, or the making of any sinking fund, reserve or other payments which may be provided for by resolution of the County. Any surplus remaining after payment of all bonds and interest thereon shall revert to the County and may be used for any lawful public purpose. The bonds shall bear interest at a rate per annum, which may be fixed or variable, in accordance with the provisions of Section 215.84, Florida Statutes, payable in installments until maturity and both principal and interest shall be payable at such place or places as the County may determine. The form of such bonds shall be fixed by resolution of the County, and the bonds shall be signed by or contain the facsimile signature of the chairman or other authorized member of the board and of the clerk. The coupons, if any, shall be executed by the facsimile signatures of the chairman or authorized member of the board and of the clerk. The delivery of any bond so executed at any time thereafter shall be valid, even if before the date of delivery the person signing such bond shall cease to hold office. Such bonds may be sold in the manner provided by general law. Bonds issued hereunder shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity of defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders of value.

**Section 2-2-298. Responsibility for Enforcement.** The County and its agent, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein.

**Section 2-2-299. Alternative Method.** This Article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Article, being necessary for the health, safety and welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

**Section 2-2-300. Construction of this Article.** The provisions of this Article shall be liberally construed to affect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein. The exercise of the powers provided for in this Ordinance shall not be subject to the limitations or provisions of any other law or laws, except to the extent expressly provided herein. In the event of any conflict between any provision of this Article and any applicable law or laws providing cumulative, supplemental and/or alternative authority to counties for the exercise of the powers provided herein, the least restrictive in favor of the County's powers shall apply."

**Section 4. Severability.** If any clause, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Ordinance are declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall affect any other parts, sections, subsections, paragraphs, subparagraphs, sentence, phrase, clause, term or word of this Ordinance.

**Section 5. Conflicts.** All ordinances or parts of ordinances and any resolutions in conflict herewith are hereby superceded or repealed to the extent of such conflict, including but not limited to Resolution No. R-97-30 adopted by the Board of County Commissioners on March 11, 1997.

**Section 6. Codification.** The publisher of the County's Municipal County Code of Ordinances, the Municipal Code Corporation is directed to codify the amendments in Section 2 through Section 3 of this Ordinance into the County Code of Ordinances but shall not codify the remaining sections.

**Section 7. Applicability.** The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County on the effective date hereof or filed on or after the effective date.

**Section 8. Effective Date.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment, and this Ordinance shall become effective immediately upon receipt of acknowledgment from the Department of State that this Ordinance has been filed.

**PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 201000.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Donna G. Hayes, Chairman

**ATTEST: R. B. SHORE  
Clerk of the Circuit Court**

By: \_\_\_\_\_  
Deputy Clerk

R-10-007

*Revised*

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING SPECIAL ASSESSMENT LIENS FOR CANAL DREDGING PROJECT NO. 6054401 ON WARNER'S EAST BAYOU (AKA THE WARNER'S EAST BAYOU CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT [MSBU]); CONFIRMING THE SPECIAL ASSESSMENT ROLL; AUTHORIZING AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENTS BY THE TAX COLLECTOR, IN ACCORDANCE WITH THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, PROVIDING FOR THE CORRECTION OF ERRORS; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the provisions of Section 125.01, Florida Statutes, the Board of County Commissioners adopted Ordinance No. 05-23 on March 1, 2005 to establish a municipal service benefit unit known as the Warner's East Bayou Canal Dredging Municipal Service Benefit Unit (MSBU), upon holding a duly noticed public hearing; and

**WHEREAS**, the Board of County Commissioners by adoption of Ordinance 05-23 determined that the parcels of real property described in the preliminary special assessment roll attached thereto would derive a special benefit from the project and the assessment is designed to be fairly and reasonably apportioned among the property within the MSBU, approved the project and made certain other determinations in connection therewith; and

**WHEREAS**, the first public hearing was conducted by the Board of County

Commissioners on March 1, 2005 as required by Section 197.3632, Florida Statutes, and Ordinance 05-23 was adopted on said date and recorded in the Official Record Book 2004, Pages 2199-2224, respectively, of the Public Records of Manatee County, Florida; and

**WHEREAS** Ordinance 05-23 approved canal dredging improvements along the following canal as described in Exhibit C, a copy attached hereto and made a part of by reference; and

**WHEREAS**, the Board of County Commissioners subsequently determined at their meeting on December 15, 2009 to direct staff to prepare a resolution reducing the amount of the special assessment borne by the parcels within the MSBU so as to be in proportion to the special benefit derived by such parcels; and

**WHEREAS**, a second public hearing on the final special assessment roll was duly noticed and held by the Board of County Commissioners on February 9, 2010 and proof of publication of the notice of the Second Public Hearing has been filed with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners also determined to extend the period of time for repayment of the special assessment from five (5) years as initially set forth in Ordinance No. 05-23 to ten (10) years as provided herein.

**WHEREAS**, the Board of County Commissioners heard and considered all evidence submitted, presentations made and documents filed before and during the public hearing and is fully advised and informed in this matter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Manatee County, Florida, that:

1. Definitions: Unless the context clearly indicates that a different meaning was intended, the following words and terms shall have the following meaning:

A. *Assessment Unit* shall mean each subdivision lot or equivalent, subject to such adjustments as determined by the Board to be fair and equitable and in accordance with the benefits received from the facilities and services that will be furnished. A single-family residence located on more than one lot will be considered a single lot.

B. *Board* means the Board of County Commissioners of Manatee County, Florida.

C. *Clerk* means the Clerk of the Circuit Court for Manatee County, Florida, ex-officio clerk for the Board.

D. *Costs* mean all costs and expenses associated with the provision of services and facilities within the MSBU, including but not limited to, reserves for contingency and reserves necessary to replace, repair and rehabilitate any facilities or equipment, amounts necessary due to uncollected or uncollectible special assessments and to provide for the enforcement or collection of delinquent special assessments, all administrative and overhead costs associated with the creation and affairs of the MSBU, including but not limited to, wages, salaries and benefits for personnel and administrators of the MSBU, advertising and conducting hearings and meetings, auditing and recordkeeping expenses, engineering and survey fees and legal fees, and court costs, damages incurred as a result of the project, reimbursement or payment for any services, materials, supplies or emergency resources provided for the benefit of the

MSBU and reimbursement of any monies or services provided in advance by the Board for services, supplies or materials provided for the benefit of the MSBU.

E. *Governing body* shall mean the Board sitting as the governing body of the MSBU.

F. *MSBU* shall mean the municipal service benefit unit established under this ordinance.

G. *Notice* as used herein shall mean notice mailed by first class to the owner or agent at the address on file with the Property Appraiser or Tax Collector for notice associated with ad valorem taxes.

H. *Owner* shall mean the owner or owners of the record and shall include any corporation, partnership, trust or other entity or agent of the owner of record as shown on the records of the Tax Collector or Property Appraiser or a deed of record.

I. *Uniform Method* shall mean the uniform method for the levy, collection and enforcement of non-ad valorem assessments pursuant to Section 197.3632, Florida Statutes, including any subsequent amendments thereto.

2. The final special assessment roll for the Warner's East Bayou Canal Dredging MSBU Project is attached hereto as Exhibit "A" and by reference is incorporated herein and made a part hereof and is hereby approved and confirmed.

3. The owners of each lot or parcel of land as identified on "Exhibit "A" have been provided with notice by first class mail of the public hearing in accordance with the form of notice attached hereto as Exhibit "B" and the affidavit of said notice is attached hereto as Exhibit "B-1"; and

4. Liens are hereby imposed against all lots and parcels of land upon which

the amount of the assessment has not been paid as indicated on the special assessment roll.

5. All assessment liens established by this resolution are subject to modification in accordance with the Uniform Method as provided in Chapter 197, Florida Statutes.

6. All assessment liens shall become payable in equal annual installments of principal and interest in each of the succeeding ten (10) years with interest at the rate of 5 percent per annum, from the owner of each lot or parcel of land in the MSBU. The liens shall bear interest at said rate from the date of the adoption of this resolution except that special assessment liens may be paid without interest within thirty (30) days after adoption of this resolution. Any assessment may be paid at any time together with interest accrued thereon to the date of payment. The above interest rate may be adjusted upon the issuance and sale of bonds secured by the special assessment liens established herein as authorized by the uniform method provided for in Chapter 197, Florida Statutes.

7. The Tax Collector for Manatee County is hereby authorized to collect all special assessments provided for in this Resolution in accordance with the uniform method for the levy, collection and enforcement of non-ad valorem assessments as provided in Chapter 197, Florida Statutes, and all applicable provisions shall apply to the collection and enforcement of the special assessment liens, including the date on which payment becomes due. The first payment is due on the date of payment of ad valorem taxes for 2010 and shall become delinquent in any year on the day when unpaid ad valorem taxes would become delinquent.



8. Severability: If any section, sentence, clause of other provision of this resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity on unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clause or provisions of this resolution.

9. Upon the subdividing of all or a portion of a lot or parcel against which a special assessment lien has been established, all installments of principal remaining unpaid and interest due thereon shall be due and payable without notice or other proceedings, and the county may, at any time after such subdividing, institute foreclosure or other appropriate proceedings for the collection of all principal or interest on any or all portions of a lot or parcel against which the lien has been established.

10. The Clerk of the Circuit Court is hereby authorized and requested to cause this resolution with the final special assessment roll attached hereto as Exhibit "A" to be filed for record and recorded in the Official Records Books of the county, and to forward a certified copy to the Tax Collector for Manatee County.

**ADOPTED** with a quorum present and voting this \_\_\_\_ day of \_\_\_\_\_,  
2010.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_

Carol Whitmore  
First Vice-Chairman

**ATTEST: R. B. SHORE**  
**Clerk of the Circuit Court**

By: \_\_\_\_\_

EXHIBIT "A"

PART 1 OF 2

R-10-007

*Revised*

**SPECIAL OWNERSHIP AND ASSESSMENT ROLL FOR  
CANAL DREDGING ASSESSMENT PROJECT NO. 6054401**

**WARNER'S EAST BAYOU**

Pursuant to Chapter 63-1582, Laws of Florida, as amended, a Special Assessment Lien is levied against the hereinafter described real property for the dredging of the canals located adjacent to Warner's West Bayou further described as follows:

**SEE EXHIBIT "C"**

in the amount set forth opposite each lot or parcel of real property with 1/5th of the total amount thereof due and payable each year, together with interest thereon at the rate of 5% per annum, with the total unpaid balance due and payable ten (10) years from the date thereon. The total net assessable project cost is \$120,020.67. Accordingly, \$120,020.67 divided by 27 total assessable parcels equals \$4,445.21 per parcel.

REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3577510005	COM AT THE SW COR OF LOT 5 BRACK SPRINGS ADD (PB 2 P 99); TH N 0 DEG 17 MIN 24 SEC E, 84.24 FT TO THE POB; TH N 0 DEG 17 MIN 24 SEC E, 163.75 FT; TH S 50 DEG 00 MIN 40 SEC E, 137.77 FT; TH S 0 DEG 17 MIN 24 SEC W, 34.56 FT; TH S 69 DEG 03 MIN 02 SEC W, 113.73 FT TO THE POB AS DESC IN OR 1155 P 3050 PRMCF PI#35775.1000/5 SEC 28 TWP 34-S RNG 17-E PR_USE: 0000 TAX_CD: 0001 SPLIT: LOCATION: 312 50TH ST CT NW 34209 SCT	TRICE, LOUIS GARY REV TRUST TRICE, LOUIS GARY 307 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3579900006	LOT 14 RIVERVIEW HARBOR PI#35799.0000/6 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 408 51ST ST NW 34209 SCT	CONLEY, JEFFREY A CONLEY, SUSAN G 408 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580000002	LOT 15 LESS NORTHERNMOST 8 FT RIVERVIEW HARBOR PI#35800.0000/ SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 412 51ST ST NW 34209 SCT	MIRE, RANDALL P MIRE, BARBARA 412 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580200008	LOT 16 ALSO NORTHERNMOST 8 FT OF LOT 15 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35802.0000/8 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 416 51ST ST NW 34209 SCT	KLEMENT, ROBERT J KLEMENT, SUSAN A 416 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580300006	LOT 17 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35803.0000/6 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 502 51ST ST NW 34209 SCT	HOWARD, BONITA M 502 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580400004	LOT 18 ALSO IN SEC 29-34-17 RIVERVIEW HARBOR PI#35804.0000/4 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 508 51ST ST NW 34209 SCT	HARDING, MORTON LEE HARDING, MARY P 508 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68

## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3580500001	LOT 19 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35805.0000/1 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 512 51ST ST NW 34209 SCT	BRULATO, GINA 512 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580600009	LOT 20 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35806.0000/9 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 604 51ST ST NW 34209 SCT	HARGREAVES, JOHN R HARGREAVES, KATHLEEN A 604 51ST STREET NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580700007	LOT 21 RIVERVIEW HARBOR ALSO IN SEC 29 34 17 PI#35807.0000/7 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 603 51ST ST NW 34209 SCT	URRUTIA, LUIS A PAPPAS, SUSAN S 608 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580800005	LOT 22 RIVERVIEW HARBOR ALSO IN SEC 29-34-17 PI#35808.0000/5 SEC 28 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 612 51ST ST NW 34209 SCT	RUSIN, KAREN A RUSIN, KAREN A REV TRUST 203 77TH ST HOLMES BEACH, FL 34217	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3580900003	LOT 23 RIVERVIEW HARBOR PI#35809.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 704 51ST ST NW 34209 SCT	TINSWORTH, STEVEN H 704 51ST ST NW BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3581000001	LOT 24 RIVERVIEW HARBOR PI#35810.0000/1 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5103 RIVERVIEW BLVD 34209 SCT	MATTA, JOSE R MATTA, GLADYS N 5103 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3581100009	LOT 25 RIVERVIEW HARBOR PI#35811.0000/9 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5107 RIVERVIEW BLVD 34209 SCT	STEPHENS, RONALD A JR STEPHENS, NANCY 5107 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68

REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3703400006	LOTS 5,6 BLK 11 HARBOR HILLS PI#37034.0000/6 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 535 HILLCREST DR 34209 SCT	EASON, STEVEN G EASON, CANDICE D 535 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3703500003	LOTS 7,8 RIP RTS BLK 11 HARBOR HILLS PI#37035.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 527 HILLCREST DR 34209 SCT	SPAHN, RICHARD C SPAHN, MELISANDE C 527 HILLCREST DR BRADENTON, FL 34209-1839	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3703600050	LOT 9, BLK 11, HARBOR HILLS, AND BEG AT THE SW COR OF LOT 9, RUN TH SW ALG THE W LN OF LOT 10, 20 FT; TH E THROUGH LOT 10 TO A PT ON THE E LN OF SD LOT 10 WHICH IS 22.7 FT FROM THE SE COR OF SD LOT 9; TH N TO THE SE COR OF SD LOT 9; TH W ON THE LN BETWEEN LOTS 9 AND 10 TO THE POB. AND ALSO BEG AT A PT ON THE W LN OF LOT 10, BLK 11, HARBOR HILLS, BEING 20 FT S OF THE NW COR OF SD LOT 10, TH RUN S 2 FT ALG SD W LN OF LOT 10; TH RUN E 160 FT TO A PT ON THE E LN OF SD LOT 10; BEING 24.7 FT S OF THE NE COR OF SD LOT 10; TH RUN N 2 FT ALG E LN OF LOT 10; TH RUN W 160 FT TO THE POB. (OR1433/6049) TOGETHER WITH O. R. 1517 PG 5298 DESC AS FOLLOWS: COM AT THE NWLY COR OF LOT 10 BLK 11 HARBOR HILLS SUB; TH SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 22 FT FOR A POB; TH CONT SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 1.5 FT; TH N 80 DEG 22 MIN 07 SEC E A DIST OF 160.21 FT TO A POINT ON THE ELY LN OF SD LOT 10; TH NWLY ALG SD ELY LN A DIST OF 3.6 FT; TH S 79 DEG 37 MIN 03 SEC W 160 FT TO THE POB. PI#37036.0005/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 519 HILLCREST DR 34209 SCT	TOLSON, GEORGE W TOLSON, SUE E 519 HILLCREST DR BRADENTON, FL 34209-1839	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68

## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3703910053	BEG AT A PT ON W LN OF LOT 10, BLK 11, HARBOR HILLS, BEING 22 FT S OF NW COR OF SD LOT 10, TH RUN E 160 FT TO A PT ON E LN OF SD LOT 10, BEING 24.7 FT S OF NE COR OF LOT 10; TH RUN S ALG E LN OF BLK 11, 118.75 FT TO A PT ON E LN OF LOT 12, BEING 6.15 FT S OF NE COR OF LOT 12, TH RUN W 160 FT TO A PT ON W LN OF LOT 12, BEING 8.10 FT S OF NW COR OF LOT 12, TH RUN N 106.3 FT ALG W LN OF LOTS 12, 11 & 10 TO POB, LESS OR 1517 PG 5298 DESC AS FOLLOWS: COM AT THE NWLY COR OF LOT 10 BLK 11 HARBOR HILLS SUB, TH SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 22 FT FOR A POB; TH CONT SELY ALG THE WLY LN OF SD LOT 10 A DIST OF 1.5 FT; TH N 80 DEG 22 MIN 07 SEC E A DIST OF 160.21 FT TO A PT ON THE ELY LN OF SD LOT 10; TH NWLY ALG SD ELY LN A DIST OF 3.6 FT; TH S 79 DEG 37 MIN 03 SEC W 160 FT TO THE POB. PI#37039.1005/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 511 HILLCREST DR 34209 SCT	RICHARDSON, CHARLES T RICHARDSON, CYNTHIA L 511 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3704000003	LOT 12 LESS THAT PART DESC IN ORB 734 P 145; ALL LOT 13 BLK 11 HARBOR HILLS PI#37040.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 507 HILLCREST DR 34209 SCT	WEBER, KENNETH P WEBER, LORI A 507 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3704100050	LOTS 1 & 2 BLK 12 HARBOR HILLS PI#37041.0005/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5111 RIVERVIEW BLVD 34209 SCT	MYERS, TROY H JR MYERS, CAROL L 5111 RIVERVIEW BLVD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3713900003	LOT A BLK 11 RESUB OF HARBOR HILLS PI#37139.0000/3 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 5115 HARBOR RD 34209 SCT	BERGERON, PHILIP H BERGERON, CAROL ANN 5115 HARBOR RD BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714000001	LOT B & ALL LANDS IF ANY BET SD LOT & WARNERS E BAYOU RIP RTS BLK 11 RESUB OF HARBOR HILLS PI#37140.0000/1 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 543 HILLCREST DR 34209 SCT	HAMILTON, ELIZABETH MARIE HAMILTON, ELIZABETH MARIE REVOCABLE 543 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68

## REAL ESTATE SPECIAL ASSESSMENT ROLL FOR WARNERS EAST CANAL DREDGING

DP#	DESCRIPTION OF PROPERTY	NAME AND ADDRESS OF OWNER	CURRENT YEAR ASSESSMENT
3714100009	LOT C BLK 11 RESUB OF HARBOR HILLS PI#37141.0000/9 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 537 HILLCREST DR 34209 SCT	FAIR, ANNE E 537 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714600024	LOT 1 HARBOR WOODS SUB PI#37146.0002/4 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 415 HILLCREST DR 34209 SCT	BENNETT, EDWARD J III BENNETT, GWEN G 415 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714600032	LOT 2 HARBOR WOODS SUB PI#37146.0003/2 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 411 HILLCREST DR 34209 SCT	ZULANAS, GEORGE J JR ZULANAS, VICKI K 411 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714600040	LOT 3 HARBOR WOODS SUB PI#37146.0004/0 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 409 HILLCREST DR 34209 SCT	REID, GWENDOLYN BUNDY HOLLIDAY 409 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714600057	LOT 4 HARBOR WOODS SUB PI#37146.0005/7 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 403 HILLCREST DR 34209 SCT	TUCKER, JOHN B JR TUCKER, DIANE J 403 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68
3714600065	LOT 5, HARBOR WOODS SUB, ALSO, ALL OF THAT REAL PROPERTY LOCATED BETWEEN AND THE EASTERN MOST TERMINUS OF SD LOT 5 OF SD SUB, AND THE FACE OF THE SEAWALL WHICH IS DIRECTLY E THEREOF AND CONTIGUOUS THERE TO. (OR 1421 P 1818) PI#37146.0006/5 SEC 29 TWP 34-S RNG 17-E PR_USE: 0100 TAX_CD: 0001 SPLIT: LOCATION: 311 HILLCREST DR 34209 SCT	WALKER, RICHARD S WALKER, CYNTHIA M 311 HILLCREST DR BRADENTON, FL 34209	WARNERS EAST CANAL DREDGING 1 ERU 4445.21 PER ERU TOTALS 4445.21 TOTAL ASSESSMENT: 4445.21 ANNUAL PAYMENT: 575.68

Atty - Wants to speak 1st

#45

**IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.**

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

**PLEASE PRINT**

Name  
Casey Colburn

Address  
50 Central Ave.  
Swasota, FL

Representing  
WEBA - Attorney

Public Hearing matter on which you want to speak:  
45

**Please check one for each #:**

1. Are you in favor:  \*  
opposed:

2A. Speaking as an individual? Yes

**OR**

2B. If you are speaking as an official representative of a group: \*\*

Name of Group:  
WEBA

\*\* You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.

3. Do you have a visual presentation or other evidence to be submitted to the Board?

Yes  No

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes  No

\* Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.



Action	Current Proposed Assessment	Result-Based Assessment	Fix Problems, <i>Then</i> Figure Assessment
Timing (& County Outcome)	<ul style="list-style-type: none"> <li>• Today</li> <li>• May have to <b>revisit</b> in future</li> </ul>	<p style="text-align: center;"><b>Today</b></p>	<ul style="list-style-type: none"> <li>• Longer Timeframe</li> <li>• Variable Scope</li> <li>• Permit Changes</li> </ul>
Cost To Owner	<p>\$1,750 +/- West \$4,405 +/- East (Taxes based on <b>volume removed</b>)</p>	<p style="text-align: center;"><b>\$1,750 +/- All</b> (Taxes based on <b>benefit received</b>)</p>	<ul style="list-style-type: none"> <li>• Unknown</li> <li>• More Staff Time</li> <li>• Permitting Work</li> <li>• Uncertain Scope</li> </ul>
Outcome For Property Owners	<ul style="list-style-type: none"> <li>• Owners pay <b>unequal amounts</b> for <b>same result</b></li> <li>• Feeling of <b>inequity</b></li> <li>• Some owners <b>really unhappy</b></li> </ul>	<ul style="list-style-type: none"> <li>• Owners pay <b>equal amount</b> for <b>same result</b></li> <li>• <b>Equitable result</b></li> <li>• Owners are <b>reasonably satisfied</b></li> </ul>	<ul style="list-style-type: none"> <li>• Uncertain as to what <i>actions</i> will achieve <i>desired</i> outcome</li> <li>• Outcomes <i>relative</i> to owner's issues</li> <li>• <i>Ability to pay</i> will drive outcome</li> </ul>

BCC Casey  
 Warner E  
 Chart 2/9/10

44+45

**IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.**

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

**PLEASE PRINT**

Name Dr. Steve Tinsworth

Address 704 51st ST NW  
BRADENTON, FL 34209

Representing Self ALSO 509 53th ST NW

Public Hearing matter on which you want to speak: 44, 45

**Please check one for each #:**

1. Are you in favor:  \*  
opposed:

2A. Speaking as an individual? Yes

**OR**

2B. If you are speaking as an official representative of a group: \*\*

Name of Group:

\*\* You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.

3. Do you have a visual presentation or other evidence to be submitted to the Board?

Yes  No

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes  No

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