

R-97-74

A RESOLUTION AMENDING THE SPECIAL
ASSESSMENT ROLL FOR THE HOLIDAY
HEIGHTS STREET LIGHTING MUNICIPAL
SERVICE BENEFIT UNIT (MSBU)

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides that the legislative and governing body of the county, to the extent not inconsistent with general or special law, may establish municipal service taxing or benefit units, within which may be provided street lighting and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only; and

WHEREAS, Section 125.01(1)(r), Florida Statutes, empowers the County to levy and collect special assessments within a municipal service taxing or benefit unit; and Section 125.01(1)(q), Florida Statutes, provides that the Board of County Commissioners shall be the governing body of any municipal service taxing or benefit unit created thereunder; and

WHEREAS, pursuant to the provisions of Chapter 125, Florida Statutes, a public hearing was conducted on September 12, 1995 and Ordinance 95-39 was adopted, which established a municipal service benefit unit (MSBU) for street lighting in Holiday Heights; and

WHEREAS, Section 16 of Ordinance 95-39 states that corrections or alterations in any special assessment, may be provided by Resolution of the Board. However, no resolution increasing the amount of the special assessment against any lot or parcel of land or including any lot or parcel of land not previously included on the special assessment roll shall be adopted

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except at a public hearing at a time and place provided in a notice to the owner mailed by first class mail at least twenty (20) days prior to the date of the meeting at which the resolution is adopted unless such owners have provided written consent for such assessment; and

WHEREAS, a parcel owned by Klaus Nieland, c/o Invest Prop Inc, was recently split and half of it was sold to Robert & Ruth Zimmer and the other half to Timothy Zimmer; and

WHEREAS, Robert & Ruth Zimmer and Timothy Zimmer were not provided with notice prior to the public hearing to consider approval of the project described in Ordinance 95-39, but have been provided with "Waiver of Notices" attached hereto as Exhibit "A", Part 1 and 2, of our plans to install street lights and of the special assessment charge that will be levied against their lot or parcel of land.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that the assessment roll for Holiday Heights is to be amended as follows:

1. The following parcels are to be added:

| | | |
|--------------|------------------------------|----------|
| 53046.0005/8 | Robert L. and Ruth A. Zimmer | \$ 32.73 |
| 53046.0010/8 | Timothy A. Zimmer | \$ 32.73 |

2. The Clerk of the Circuit Court is hereby authorized and requested to cause this resolution with the attached "Waiver of Notices" attached hereto as Exhibit "A", Part 1 and 2 to be filed for record and recorded in the Official Records Books of the County, and to forward a certified copy to the Property Appraiser and Tax Collector for Manatee County for further processing.

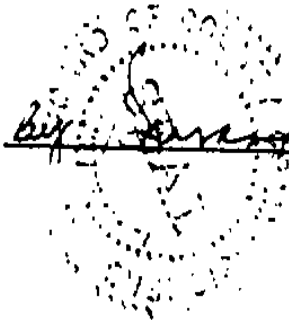
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ADOPTED with a quorum present and voting this the 29th
day of April, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Patricia M. Glass
Chairman

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

[Signature]


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WAIVER OF NOTICE

**PUBLIC HEARING APPROVING
THE HOLIDAY HEIGHTS
STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT
(MSBU)
UNDER ORDINANCE 95-39**

1. The undersigned is (are) the owner(s) (hereinafter "owner") of real property located in Manatee County, Florida more particularly described as follows:

53046.0010/8

LOT 12, BLOCK 38, HOLIDAY HEIGHTS, SECOND ADDITION RECORDED IN PLAT BOOK 9, PAGE 27, LESS THE FOLLOWING DESCRIBED PORTION OF SAID LOT 12: BEGIN AT THE NORTHEAST CORNER OF LOT 12, BLOCK 38, HOLIDAY HEIGHTS, SECOND ADDITION; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF SAID LOT 12, BEING ALSO THE WESTERLY RIGHT-OF-WAY LINE OF 23RD STREET WEST, A DISTANCE OF 60.54 FEET; THENCE WITH AN ANGLE TO THE LEFT OF 69 DEGREES 30 MINUTES 12 SECONDS, ALONG A LINE THROUGH THE PARTY WALL OF AN EXISTING DUPLEX RESIDENCE, A DISTANCE OF 97.51 FEET; THENCE WITH AN ANGLE TO THE RIGHT OF 142 DEGREES 00 MINUTES 50 SECONDS, A DISTANCE OF 15.39 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF 51ST AVENUE WEST; THENCE WITH AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, TO THE LEFT, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 25 FEET TO THE INTERSECTION OF EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID LOT 12, THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID LOT 12, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 12, A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING.

2. Owner is aware of the plans to install street lights as described in Ordinance 95-39 adopted by the Board of County Commissioners of Manatee County and made a part of the Official Public Records of that Board.
3. Owner was not provided with notice prior to the public hearing to consider approval of the project described in Ordinance 95-39.
4. Owner waives any right owner may have had to notice and participation in the public hearing to consider adoption of Ordinance 95-39.
5. Owner understands that they will be charged \$ 32.73 a year on their tax bill to pay for the installation and maintenance of the street lights and that the program may remain in place for at least ten (10) years.
6. Owner has been given a copy of Ordinance 95-39 and is in agreement with the project and approval contained in that Ordinance and consents to the project approved therein.

WITNESSES AS TO ALL SIGNATURES:

Diane A. Howard
Witness

Timothy A. Zimmer
Timothy A. Zimmer

Witness

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Timothy A. Zimmer to me known to be the person described in and who executed the forgoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of MARCH, 1997.

CHERYL A. HOWARD
Notary Public, State of Florida
My comm. expires Dec. 20, 1999
Comm. No. CC 520060

Cheryl A. Howard
Notary Public

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WAIVER OF NOTICE

PUBLIC HEARING APPROVING
THE HOLIDAY HEIGHTS
STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT
(MSBU)
UNDER ORDINANCE 95-39

FILED AND RECORDED 05/06/97 8:45AM 5 of 5
J.D. SUVE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

1. The undersigned is (are) the owner(s) (hereinafter "owner") of real property located in Manatee County, Florida more particularly described as follows:

53046.0005/8

A PORTION OF LOT 12, BLOCK 38, HOLIDAY HEIGHTS, 2ND ADDITION PER PLAT RECORDED IN PLAT BOOK 9, PAGE 27, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 12, BLOCK 38, HOLIDAY HEIGHTS, SECOND ADDITION; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF SAID LOT 12, BEING ALSO THE WESTERLY RIGHT-OF-WAY LINE OF 23RD STREET WEST, A DISTANCE OF 60.54 FEET; THENCE WITH AN ANGLE TO THE LEFT OF 89 DEGREES 30 MINUTES 12 SECONDS, ALONG A LINE THROUGH THE PARTY WALL OF AN EXISTING DUPLEX RESIDENCE, A DISTANCE OF 97.51 FEET; THENCE WITH AN ANGLE TO THE RIGHT OF 142 DEGREES 00 MINUTES 50 SECONDS, A DISTANCE OF 15.39 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY OF 51ST AVENUE WEST; THENCE WITH AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, TO THE LEFT, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 25 FEET TO THE INTERSECTION OF EASTERLY RIGHT-OF-WAY LINE AND THE WESTERLY LINE OF SAID LOT 12, THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID LOT 12, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 12, A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING.

- 2. Owner is aware of the plans to install street lights as described in Ordinance 95-39 adopted by the Board of County Commissioners of Manatee County and made a part of the Official Public Records of that Board.
- 3. Owner was not provided with notice prior to the public hearing to consider approval of the project described in Ordinance 95-39.
- 4. Owner waives any right owner may have had to notice and participation in the public hearing to consider adoption of Ordinance 95-39.
- 5. Owner understands that they will be charged \$ 32.73 a year on their tax bill to pay for the installation and maintenance of the street lights and that the program may remain in place for at least ten (10) years.
- 6. Owner has been given a copy of Ordinance 95-39 and is in agreement with the project and approval contained in that Ordinance and consents to the project approved therein.

WITNESSES AS TO ALL SIGNATURES:

Sabrina Verain
Witness

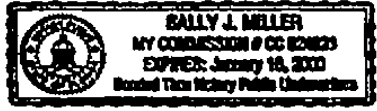
Robert L. Zimmer
Robert L. Zimmer Florida drivers license used as identification

Ann M. Jewell
Witness

Ruth A. Zimmer
Ruth A. Zimmer Florida identification card used as identification

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Robert L. Zimmer and Ruth A. Zimmer to me known to be the person described in and who executed the forgoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 18th day of March, 1997.



Sally J. Miller
Notary Public