



Flagler County Board of County Commissioners Special Meeting Agenda

December 20, 2017 • 1:00 p.m.

Government Services Building 2, Board Chambers, 1769 E. Moody Blvd., Bunnell, FL 32110

1. Pledge to the Flag and Moment of Silence
2. Chair Comments
3. **Public Hearing to Consider a Resolution Creating the Dune Restoration Project Special Assessment District to Install an Emergency Protective Berm:** Adoption of the Resolution Creating the Dune Restoration Project Special Assessment District.
4. **Public Hearing to Consider a Resolution Creating the Painters Hill Seawall Special Assessment District:** Adoption of the Resolution Creating the Painters Hill Seawall Special Assessment District.
5. Adjournment

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 3

SUBJECT: Public Hearing to Consider a Resolution Creating the Dune Restoration Project Special Assessment District to Install an Emergency Protective Berm

DATE OF MEETING: December 20, 2017

OVERVIEW: This is the next step in creating the emergency protective berm along a portion of the beach bordering the Hammock Dunes DRI. The County is now in the process of entering into a cost share arrangement with the owners of the beachfront through the property owner associations and privately held lands that run the length of the Hammock Dunes DRI. This Resolution will establish a special assessment district (see Attachment 1 maps) that will allow the property owners to repay the County for their portion of the costs of installing an emergency protective berm along the beach in the Hammock Dunes area. Section 197.3632, *Florida Statutes*, allows the County to use the uniform method of collecting non-ad valorem assessments provided certain requirements are met. This Resolution lays the foundation for levying a special assessment. If the County is able to finalize its cost share arrangements, after a noticed public hearing the County will levy the assessment for the first time beginning in fiscal year 2018-2019. Adopting this Resolution alone at the December 20 meeting by itself does not create the ability to levy any assessment.

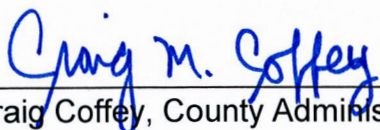
The three property owners that potentially will be subject to the special assessment for the installation of the emergency protective berm are: LRA Hammock Beach Ocean, LLC; Ocean Hammock Property Owners Association, Inc.; and Hammock Dunes Owners' Association, Inc. County staff are negotiating the details of Emergency Berm (Dune) and Partial Engineered Dune Restoration Agreements with the owners, which will allow the County to install the berm and the owners to repay the cost over a period of 5 years. Those agreements will come to the Board for approval in the near future. Once the berm is completed, the County will have no ongoing responsibility to maintain the property or berm.

FUNDING INFORMATION: None at this time pending the agreements with property owners and the establishment of the special assessment amounts

STAFF RECOMMENDATION: Adoption of the Resolution Creating the Dune Restoration Project Special Assessment District.

ATTACHMENTS:

1. Resolution, including Proof of Publication, Legal Description, and District Maps.



Craig Coffey, County Administrator

19 DEC 2017
Date

RESOLUTION 2017-____

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING THE UNIFORM METHOD FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR THE INSTALLATION OF AN EMERGENCY PROTECTIVE BERM IN THE DUNE RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT; CREATING THE DISTRICT, ESTABLISHING THE DISTRICT AS A MUNICIPAL SERVICES BENEFIT UNIT WITHIN UNINCORPORATED FLAGLER COUNTY, FLORIDA; DECLARING THE PARAMOUNT PUBLIC PURPOSE IN CREATING THE DISTRICT, AND PROVISIONS REGARDING THE SPECIAL BENEFIT TO ADJOINING PROPERTIES AND THE FAIR AND REASONABLE APPORTIONMENT OF ANY ASSESSMENT AMONG THE SPECIALLY BENEFITTED PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hurricane Matthew, a Category 4 storm, passed along the County's coastline on October 7, 2016, severely eroding much of the County's beaches, erasing large swaths of the County's dune system, flooding entire neighborhoods, and damaging and destroying public infrastructure and private property on the barrier island; and

WHEREAS, as a result of the erosion caused by Hurricane Matthew, homes were damaged and entire neighborhoods in the Hammock are vulnerable to flooding from tidal action and future storm surges; and

WHEREAS, Hurricane Irma struck the County on September 11, 2017, followed shortly thereafter by a Nor'easter which, together, again caused severe flooding on the barrier island and exacerbated the already precarious situation in the Hammock; and

WHEREAS, the saltwater and brackish water flooding of the barrier island caused the death of many trees and shrubs, creating a fire hazard for residences adjacent to wooded areas; and

WHEREAS, much of the barrier island relies on septic systems for wastewater, which are potential causes of public nuisances during flood events; and

WHEREAS, due to the continued vulnerability of the barrier island after Hurricanes Matthew and Irma, the County remains in declared states of local emergency pursuant to Chapter 12 of the Flagler County Code and Section 252.38(3), Florida Statutes; and

WHEREAS, because the beaches of the County are a primary attraction for tourists and residents and a prime generator of economic activity, installation of an emergency protective berm in the Hammock area will have direct, beneficial impact on the local economy; and

WHEREAS, an emergency protective berm will help ensure the future viability of parcels along the coastline belonging to Ocean Hammock Property Owners Association, Inc., Hammock Dunes Owners' Association, Inc., and LRA Hammock Beach Ocean, LLC, which have been used recreationally by the public since time immemorial; and

WHEREAS, the public will additionally realize the benefit of higher property value and a stronger tax base with the protection of neighborhoods that will result from an emergency protective berm; and

WHEREAS, the County has sought funding for an emergency protective berm in the Hammock from the Florida Legislature through the Florida Department of Environmental Protection and the Florida Division of Emergency Management and additionally from the Federal Emergency Management Agency; and

WHEREAS, the County has also bonded funds for these purposes and pledged

revenue from the County's tourist development tax to pay the bond; and

WHEREAS, to realize economies of scale and integrity of design for the emergency protective berm, the County is creating a special assessment district encompassing the lands described in Exhibit A; and

WHEREAS, using a special assessment district provides a funding mechanism and a means to share the costs between public and private benefit and to allocate them among the properties within the district; and

WHEREAS, the County will be entering into agreements with each of the property owners in the district based on the mutual understanding that the assessments will be used to repay the County their share or proportion of the special benefit resulting from the emergency protective berms on their properties; and

WHEREAS, Flagler County has published notice of its intent to utilize the uniform method of collecting non-ad valorem assessments for the 2018-2019 fiscal year and continuing annually thereafter, has attached the proof of publication as Exhibit B, and has held the duly advertised public hearing prior to adoption of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:

1. The County adopts the foregoing recitals as findings of fact.
2. The County as a political subdivision of the State of Florida hereby creates and establishes the Dune Restoration Project Special Assessment District pursuant to the County's Home Rule Power under the Florida Constitution and Florida Statutes Chapter 125.

3. Attached to this Resolution are the legal description, proof of publication of notice under the Florida Statutes, and the map of the District as Exhibits A, B and C respectively and are incorporated in this Resolution by reference.

4. Lots within the District will receive a special benefit by the County's services in organizing, engineering, permitting, and contracting for the construction of the emergency protective berm in their community and to oversee the work to assure it complies with plans and permits.

5. The County shall fairly and reasonably apportion the assessments among the specially benefitted properties within the District. Such assessments also shall be proportional to the costs incurred by the County in conferring a private benefit to the properties.

6. For the 2018-2019 fiscal year and continuing thereafter from year to year for four additional years as determined by the Board of County Commissioners in consideration of its agreements with property owners, the County shall annually assess the properties. The County will levy, collect and enforce the assessments in accordance with the uniform method of collection of non-ad valorem assessments authorized by Section 197.3632, Florida Statutes.

7. Additionally, for the 2018-2019 fiscal year and continuing thereafter from year to year as determined by the Board of County Commissioners and on the tax statements mailed out during such fiscal years, the County intends to use the uniform method of collection of non-ad valorem assessments authorized by Section 197.3632, Florida Statutes, for the installation of an emergency protective berm in the Dune

Restoration Project Special Assessment District, as legally described in Exhibit A hereto.

8. The County shall levy the non-ad valorem assessments by further public hearing noticed to the property owners on or before the statutory deadline of September 15, 2018. As provided by Section 197.3632, Florida Statutes, the property owners of the District who shall receive mailed notice of the hearing will have the opportunity to testify and file any written objections with the County Commission concerning the proposed assessments.

9. The County directs its Administrator to deliver a certified copy of this Resolution to the State of Florida Department of Revenue, the Flagler County Tax Collector, and the Flagler County Property Appraiser on or before January 10, 2018.

10. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this 20th day of December 2017, by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Government Services Building, Bunnell, Florida.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:

Tom Bexley
Clerk of Circuit Court & Comptroller

Donald T. O'Brien, Vice Chairman

APPROVED AS TO FORM:

Al Hadeed, County Attorney

EXHIBIT A

DUNE RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT

Legal Description

The district shall be bordered to the east by the Atlantic Ocean; to the north by the northernmost boundary of Parcel Number 04-11-31-2984-00GC0-0000; to the south by the southern boundary of Parcel Number 04-11-31-3200-00000-00F0; and inclusive of Parcel Numbers 04-11-31-3513-00000-00B0; 04-11-31-3512-00010-00G0; 04-11-31-4900-00000-00C0; 04-11-31-2984-00000-0011; 04-11-31-3014-00000-0002; 04-11-31-2984-00000-0012; 04-11-31-3210-00000-00C0; 04-11-31-3210-00000-00C1; 04-11-31-3201-00000-00B0; 04-11-31-3012-00000-0001; 04-11-31-1030-00000-00C0; and 04-11-31-5820-00000-00C0.

EXHIBIT B

DUNE RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT

Proof of Publication

Flagler/Palm Coast
NEWS-TRIBUNE

Published Each Wednesday
Flagler County, Florida

State of Florida,
County of Flagler

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly
newspaper, published in Flagler County, Florida; that the
attached copy of advertisement, being a
.....

PUBLIC NOTICE

NT 2268972

in the Court,
was published in said newspaper in the issues

NOVEMBER 22, 29, DECEMBER 6, 13, 2017

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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

Cynthia Anderson
.....

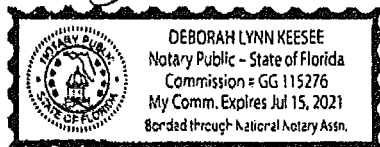
Sworn to and subscribed before me

This 13TH of DECEMBER

A.D. 2017

Deborah Lynn Keese
.....

49D



NOTICE BY THE FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS
OF INTENT TO USE THE UNIFORM AD
VALOREM METHOD OF COLLECTION
OF VOLUNTARY NON-AD VALOREM
ASSESSMENTS AT ITS MEETING ON
DECEMBER 20, 2017

Notice is hereby given to all owners of lands located within the boundaries of the Painters Hill Seawall Special Assessment District and the Dune Restoration Project Special Assessment District in unincorporated Flagler County that Flagler County intends to use the uniform ad valorem method for collecting non-ad valorem assessments levied by Flagler County as set forth in Section 197.3632, Fla. Stat. The Flagler County Board of County Commissioners will hold a public hearing on December 20, 2017 at 1:00 p.m. or soon thereafter, at the Flagler County Government Services Building, 1769 East Moody Blvd., Bldg. 2, Bunnell, FL 32110.

The purpose of the public hearings is to consider the adoption of two separate Resolutions: Painters Hill Seawall Special Assessment District and the Dune Restoration Project Special Assessment District, authorizing the Flagler County Board of County Commissioners to use the uniform ad valorem method of collecting voluntary non-ad valorem assessments levied by the Flagler County Board of County Commissioners as provided in Section 197.3632, Fla. Stat. These assessments will be placed on the annual property tax bill and be collected by the Flagler County Tax Collector, commencing with the tax bill mailed in November 2018.

The Flagler County Board of County Commissioners is considering adopting a non-ad valorem assessment for the first time for the 2018-2019 fiscal year and continuing thereafter annually as determined by the Board of County Commissioners for the construction of a sea wall in the Painters Hill Seawall Special Assessment District. The Flagler County Board of County Commissioners is also considering adopting a non-ad valorem assessment for the first time for the 2018-2019 fiscal year and continuing thereafter annually as determined by the Board of County Commissioners for the installation of an emergency protective berm in the Dune Restoration Project Special Assessment District. Both assessment districts will be voluntary in accordance with agreements by Flagler County with the record owners of the affected properties.

The area of the Painters Hill Sea Wall Special Assessment District shall be bordered on the west by State Road A-1-A, on the east by the Atlantic Ocean, on the north by the northernmost property line of 32 N. Oceanshore Blvd. (Parcel Number 23-11-31-5775-00000-0110), and on the south by the southern property line of 3109 N. Oceanshore Blvd. (Parcel Number 23-11-31-0000-02080-0000), subject to such deletions as may be determined should the Board of County Commissioners determine to levy a non-ad valorem assessment.

The area of the Dune Restoration Project Special Assessment District shall be bordered to the east by the Atlantic Ocean; to the north by the northernmost boundary of Parcel Number 04-11-31-2984-00GC0-0000 (owned by LRA Hammock Beach Ocean, LLC); extending continuously to the southern boundary of Parcel Number 04-11-31-3200-00000-00FD (owned by Hammock Dunes Owners' Association, Inc.); inclusive of Parcel Numbers 04-11-31-3513-00000-00B0; 04-11-31-3512-00010-00G0; and 04-11-31-4900-00000-00C0 (owned by Ocean Hammock Property Owners Association, Inc.); and also inclusive of Parcel Numbers 04-11-31-2984-00000-

0011; 04-11-31-3014-00000-0002; 04-11-31-2984-00000-0012; 04-11-31-3210-00000-00C0; 04-11-31-3210-00000-00C1; 04-11-31-3201-00000-00B0; 04-11-31-3012-00000-0001; 04-11-31-1030-00000-00C0; and 04-11-31-5920-00000-00C0 (owned by Hammock Dunes Owners' Association, Inc.), subject to such deletions as may be determined should the Board of County Commissioners determine to levy a non-ad valorem assessment.

As a general locational description of the proposed Dune Restoration Project Special Assessment District, the area covered by the district includes the beachfront parcels along the mean high tide line of the Atlantic Ocean extending continuously from the Ocean Course at Hammock Beach Resort to the public right of way of 16th Road and continuing south of the right of way southward through Ocean Hammock and then south continuously through Hammock Dunes to Flagler County Varn Park.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments. These hearings are not for the purpose of adopting or levying an assessment.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing, such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based. Dated this 15th day of November 2017, Flagler County Board of County Commissioners

By: Craig Coffey, County Administrator
PUBLISH: Flagler County News Tribune
Publication dates: November 22 and 29 and December 6 and 13, 2017
NT2268972 Nov 22, 29, Dec 6, 13, 2017 4t

EXHIBIT C

DUNES RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT

Geographic Map, Northern Section



EXHIBIT C

DUNES RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT

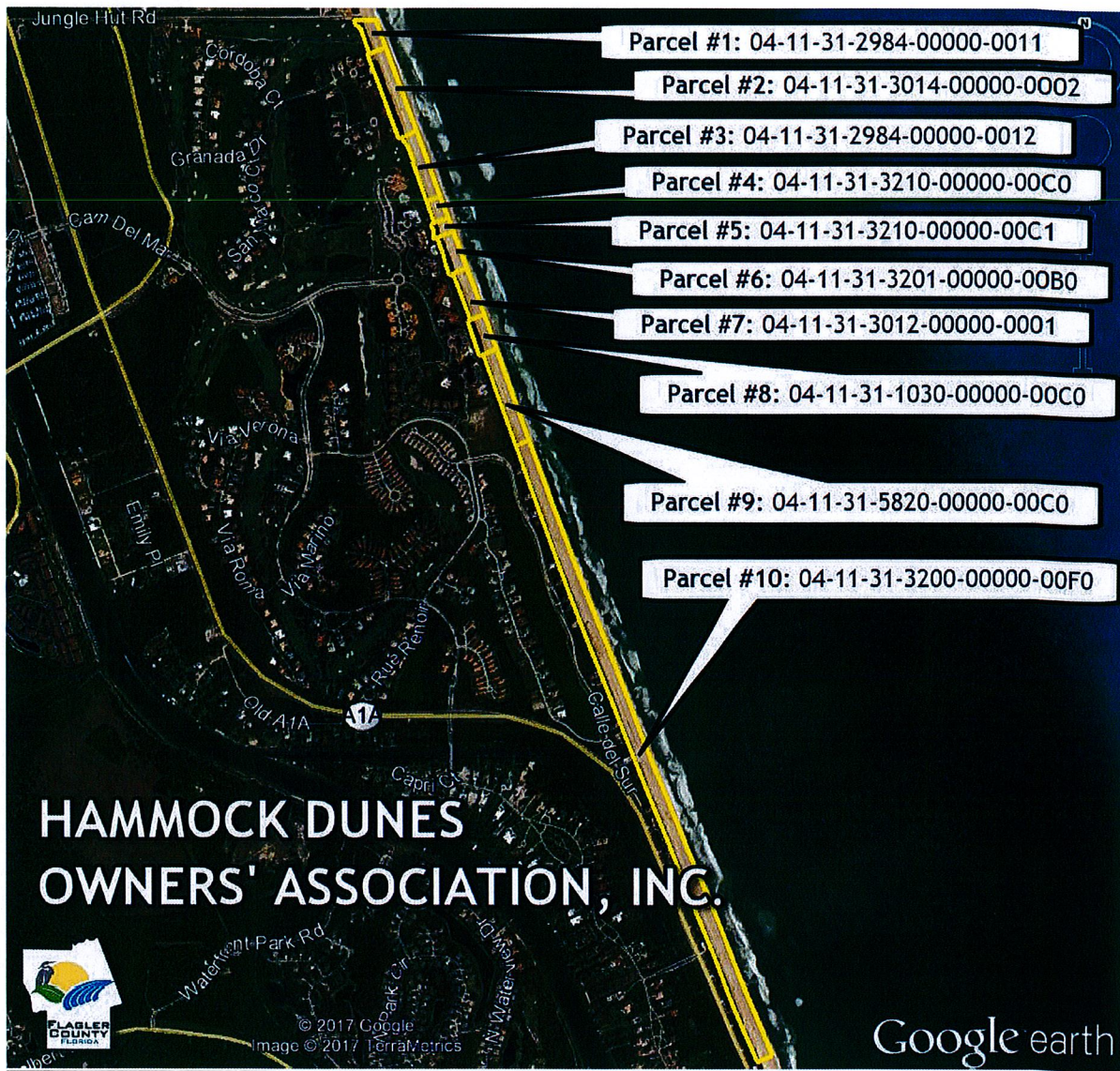
Geographic Map, Central Section



EXHIBIT C

DUNES RESTORATION PROJECT SPECIAL ASSESSMENT DISTRICT

Geographic Map, Southern Section



FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 4

SUBJECT: Public Hearing to Consider a Resolution Creating the Painters Hill Seawall Special Assessment District

DATE OF MEETING: December 20, 2017

OVERVIEW: This proposed action is the next step in the process of protecting a portion of the Painters Hill area that is vulnerable to further potential damage. This Resolution will establish the Painters Hill Seawall Special Assessment District that will allow the County to construct a seawall that will create a seawall running for 21 consecutive lots (2 of which have existing seawalls and will not be assessed). The Resolution will enable the County to recoup its costs by collecting special assessments from the property owners. A map depicting the properties within the special assessment district is attached to the Resolution. Section 197.3632, *Florida Statutes*, allows the County to use the uniform method of collecting non-ad valorem assessments provided certain requirements are met. If the County determines to continue the process after firming up all of the final details, the County will set the assessment amounts at a future public hearing. The County will mail notice of the hearing to each affected property owner with details concerning the assessment amount.

Each of the owners have signed a Temporary Easement and Voluntary Assessment Agreement, which allows the County to install the seawall and the owners to repay the costs over a period of 15 years. Once the seawall is completed, the property owners will own their respective portions and be responsible for its maintenance. The County's responsibility is limited to installing the seawall in accordance with the design and DEP Permit. Per the assessment agreements, the assessment are capped at \$1,250 per lineal front foot.

The seawall will serve a paramount public purpose in protecting homes and State Road A1A in Painters Hill, as well as the beach itself from the risk of collapsing homes. The need to install the seawall is one of the reasons the County remains in a declared state of local emergency since Hurricane Matthew struck the County in October 2016. Hurricane Irma earlier this year, the Nor'easter storms that followed, and offshore winds and resulting tidal action created vulnerabilities along this portion of the coast.

FUNDING INFORMATION: None at this time pending the establishment of special assessment amounts.

STAFF RECOMMENDATION: Adoption of the Resolution Creating the Painters Hill Seawall Special Assessment District.

ATTACHMENTS:

1. Resolution, including Proof of Publication, Legal Description, and District Map



Craig Coffey, County Administrator



Date

RESOLUTION 2017-____

A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING THE UNIFORM METHOD FOR THE LEVY, COLLECTION, AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES, FOR THE CONSTRUCTION OF A SEAWALL IN THE PAINTERS HILL SEAWALL SPECIAL ASSESSMENT DISTRICT; CREATING THE DISTRICT AND ESTABLISHING THE DISTRICT AS A MUNICIPAL SERVICES BENEFIT UNIT WITHIN UNINCORPORATED FLAGLER COUNTY, FLORIDA; DECLARING THE PARAMOUNT PUBLIC PURPOSE IN CREATING THE DISTRICT, AND PROVISIONS REGARDING THE SPECIAL BENEFIT TO ADJOINING PROPERTIES AND THE FAIR AND REASONABLE APPORTIONMENT OF ANY ASSESSMENT AMONG THE SPECIALLY BENEFITTED PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hurricane Matthew, a Category 4 storm, passed along the County's coastline on October 7, 2016, severely eroding much of the County's beaches, erasing large swaths of the County's dune system, flooding entire neighborhoods, and damaging and destroying public infrastructure and private property on the barrier island; and

WHEREAS, as a result of the erosion caused by Hurricane Matthew, homes along the dune in Painters Hill are on the brink of collapse; and

WHEREAS, Hurricane Irma struck the County on September 11, 2017, followed shortly thereafter by a Nor'easter which, together, again caused severe flooding on the barrier island and exacerbated the already precarious situation in Painters Hill; and

WHEREAS, due to the continued vulnerability of the barrier island after Hurricanes Matthew and Irma, the County remains in declared states of local emergency pursuant to Chapter 12 of the Flagler County Code and Section 252.38(3), Florida Statutes; and

WHEREAS, because the beaches of the County are a primary attraction for tourists and residents and a prime generator of economic activity, the stabilization of the dunes and beaches as a result of the installation of a seawall in Painters Hill will have direct, beneficial impact on the local economy; and

WHEREAS, constructing a seawall in Painters Hill serves a paramount public purpose in avoiding further erosion and loss of property, in preventing contamination of the beach and ocean from collapsing debris and structures, and in averting a hazardous condition on public beaches, which have been enjoyed recreationally by the public since time immemorial; and

WHEREAS, the septic systems, which are utilized by most of the homes in Painters Hill for wastewater, pose a potential health hazard and public nuisance should the homes there collapse; and

WHEREAS, the installation of a seawall in Painters Hill will also protect State Road A-1-A right of way, an evacuation route, which on average lies less than one hundred fifty feet from the beach in Painters Hill; and

WHEREAS, the public will additionally realize the benefit of higher property value and a stronger tax base with the protection of Painters Hill that will result from a seawall; and

WHEREAS, to realize economies of scale and integrity of design for the seawall, the County is creating a special assessment district encompassing the lands described in Exhibit A; and

WHEREAS, using a special assessment district provides a funding mechanism and a means to share the costs between public and private benefit and to allocate them

among the properties within the district; and

WHEREAS, the County has entered into Temporary Easement and Voluntary Assessment Agreements with each of the property owners in the district based on the mutual understanding that the assessments will be used to repay the County their share or proportion of the special benefit resulting from the seawall project on their properties; and

WHEREAS, Flagler County has published notice of its intent to utilize the uniform method of collecting non-ad valorem assessments for the 2018-2019 fiscal year and continuing annually thereafter, has attached the proof of publication as Exhibit B, and has held the duly advertised public hearing prior to adoption of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:

1. The County adopts the foregoing recitals as findings of fact.
2. The County as a political subdivision of the State of Florida hereby creates and establishes the Painters Hill Special Assessment District pursuant to the County's Home Rule Power under the Florida Constitution and Florida Statutes Chapter 125.
3. Attached to this Resolution are the legal description, proof of publication of notice under the Florida Statutes, and the map of the District, as Exhibits A, B and C respectively and are incorporated in this Resolution by reference.
4. Lots within the District will receive a special benefit by the County's services in organizing, engineering, permitting, and contracting for the construction of a seawall in their community and to oversee the work to assure it is in compliance with plans and permits.

5. The County shall fairly and reasonably apportion the assessments among the specially benefitted lots within the District. Such assessments also shall be proportional to the costs incurred by the County in conferring a private benefit to the lots.

6. For the 2018-2019 fiscal year and continuing thereafter from year to year for fourteen additional years as determined by the Board of County Commissioners in consideration of its agreements with lot owners, the County shall annually assess the lots. The County will levy, collect and enforce the assessments in accordance with the uniform method of collection of non-ad valorem assessments authorized by Section 197.3632, Florida Statutes.

7. Additionally, for the 2018-2019 fiscal year and continuing thereafter from year to year as determined by the Board of County Commissioners and on the tax statements mailed out during such fiscal years, the County intends to use the uniform method of collection of non-ad valorem assessments authorized by Section 197.3632, Florida Statutes, for the installation of a seawall in the Painters Hill Special Assessment District, as legally described in Exhibit A hereto.

8. The County shall levy the non-ad valorem assessments by further public hearing noticed to the lot owners on or before the statutory deadline of September 15, 2018. As provided by Section 197.3632, Florida Statutes, the property owners of the District who shall receive mailed notice of the hearing will have the opportunity to testify and file any written objections with the County Commission concerning the proposed assessments.

9. The County directs its Administrator to deliver a certified copy of this Resolution to the State of Florida Department of Revenue, the Flagler County Tax Collector, and the Flagler County Property Appraiser on or before January 10, 2018.

10. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this 20th day of December 2017, by the Board of County Commissioners, Flagler County, Florida, duly assembled at the Flagler County Government Services Building, Bunnell, Florida.

**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:

Tom Bexley
Clerk of Circuit Court & Comptroller

Donald T. O'Brien, Jr, Vice Chairman

APPROVED AS TO FORM:

Al Hadeed, County Attorney

EXHIBIT A

PAINTERS HILL SEAWALL SPECIAL ASSESSMENT DISTRICT

Legal Description

The district shall be bordered to the west by N. Oceanshore Boulevard (SR A1A); to the east by the Atlantic Ocean; to the north by the northern boundary of Parcel Number Parcel Number 23-11-31-5775-00000-0110; and to the south by the southern boundary of Parcel Number 23-11-31-0000-02080-0000.

EXHIBIT B

PAINTERS HILL SEA WALL SPECIAL ASSESSMENT DISTRICT

Proof of Publication

Flagler/Palm Coast
NEWS-TRIBUNE

Published Each Wednesday
Flagler County, Florida

State of Florida,
County of Flagler

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a weekly
newspaper, published in Flagler County, Florida; that the
attached copy of advertisement, being a
.....

PUBLIC NOTICE

NT 2268972

in the Court,
was published in said newspaper in the issues.....

NOVEMBER 22, 29, DECEMBER 6, 13, 2017

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he 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

.....
Cynthia Anderson

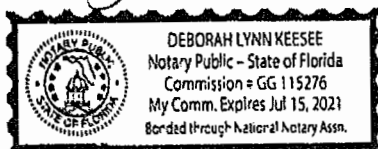
Sworn to and subscribed before me

This 13TH of DECEMBER

A.D. 2017

.....
Deborah Lynn Keesee

49D



NOTICE BY THE FLAGLER COUNTY
BOARD OF COUNTY COMMISSIONERS
OF INTENT TO USE THE UNIFORM AD
VALOREM METHOD OF COLLECTION
OF VOLUNTARY NON-AD VALOREM
ASSESSMENTS AT ITS MEETING ON
DECEMBER 20, 2017

Notice is hereby given to all owners of lands located within the boundaries of the Painters Hill Seawall Special Assessment District and the Dune Restoration Project Special Assessment District in unincorporated Flagler County that Flagler County intends to use the uniform ad valorem method for collecting non-ad valorem assessments levied by Flagler County as set forth in Section 197.3632, Fla. Stat. The Flagler County Board of County Commissioners will hold a public hearing on December 20, 2017 at 1:00 p.m. or soon thereafter, at the Flagler County Government Services Building, 1769 East Moody Blvd., Bldg. 2, Bunnell, FL 32110.

The purpose of the public hearings is to consider the adoption of two separate Resolutions: Painters Hill Seawall Special Assessment District and the Dune Restoration Project Special Assessment District, authorizing the Flagler County Board of County Commissioners to use the uniform ad valorem method of collecting voluntary non-ad valorem assessments levied by the Flagler County Board of County Commissioners as provided in Section 197.3632, Fla. Stat. These assessments will be placed on the annual property tax bill and be collected by the Flagler County Tax Collector, commencing with the tax bill mailed in November 2018.

The Flagler County Board of County Commissioners is considering adopting a non-ad valorem assessment for the first time for the 2018-2019 fiscal year and continuing thereafter annually as determined by the Board of County Commissioners for the construction of a sea wall in the Painters Hill Seawall Special Assessment District. The Flagler County Board of County Commissioners is also considering adopting a non-ad valorem assessment for the first time for the 2018-2019 fiscal year and continuing thereafter annually as determined by the Board of County Commissioners for the installation of an emergency protective berm in the Dune Restoration Project Special Assessment District. Both assessment districts will be voluntary in accordance with agreements by Flagler County with the record owners of the affected properties.

The area of the Painters Hill Sea Wall Special Assessment District shall be bordered on the west by State Road A-1-A, on the east by the Atlantic Ocean, on the north by the northernmost property line of 32 N. Oceanshore Blvd. (Parcel Number 23-11-31-5775-00000-0110), and on the south by the southern property line of 3109 N. Oceanshore Blvd. (Parcel Number 23-11-31-0000-02080-0000), subject to such deletions as may be determined should the Board of County Commissioners determine to levy a non-ad valorem assessment.

The area of the Dune Restoration Project Special Assessment District shall be bordered to the east by the Atlantic Ocean; to the north by the northernmost boundary of Parcel Number 04-11-31-2984-00000-0000 (owned by LRA Hammock Beach Ocean, LLC); extending continuously to the southern boundary of Parcel Number 04-11-31-3200-00000-0000 (owned by Hammock Dunes Owners' Association, Inc.); inclusive of Parcel Numbers 04-11-31-3513-00000-0000; 04-11-31-3512-00010-0000; and 04-11-31-4900-00000-0000 (owned by Ocean Hammock Property Owners Association, Inc.); and also inclusive of Parcel Numbers 04-11-31-2984-00000-

0011; 04-11-31-3014-00000-0002; 04-11-31-2984-00000-0012; 04-11-31-3210-00000-0000; 04-11-31-3210-00000-0001; 04-11-31-3201-00000-0080; 04-11-31-3012-00000-0001; 04-11-31-1030-00000-0000; and 04-11-31-5820-00000-0000 (owned by Hammock Dunes Owners' Association, Inc.), subject to such deletions as may be determined should the Board of County Commissioners determine to levy a non-ad valorem assessment.

As a general locational description of the proposed Dune Restoration Project Special Assessment District, the area covered by the district includes the beachfront parcels along the mean high tide line of the Atlantic Ocean extending continuously from the Ocean Course at Hammock Beach Resort to the public right of way of 16th Road and continuing south of the right of way southward through Ocean Hammock and then south continuously through Hammock Dunes to Flagler County Varn Park.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform ad valorem method of collecting such non-ad valorem assessments. These hearings are not for the purpose of adopting or levying an assessment.

If any person decides to appeal any decision made with respect to any matter considered at this public hearing, such person will need a record of proceedings and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based. Dated this 15th day of November 2017, Flagler County Board of County Commissioners

By: Craig Coffey, County Administrator
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EXHIBIT C

PAINTERS HILL SEAWALL SPECIAL ASSESSMENT DISTRICT

Geographic Map

