MONROE COUNTY, FLORIDA

MONROE COUNTY CANAL RESTORATION OPERATIONS AND MAINTENANCE SERVICES ASSESSMENT PROGRAM

INITIAL ASSESSMENT RESOLUTION

CANAL 266

ADOPTED JULY 17, 2019
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MONROE COUNTY, FLORIDA
RESOLUTION NO. 200 - 2019

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RELATING TO THE CANAL RESTORATION PROGRAM; IMPOSING ANNUAL MAINTENANCE ASSESSMENTS FOR PROPERTIES LOCATED WITHIN THE MONROE COUNTY CANAL 266 MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING LEGISLATIVE FINDINGS DETERMINING THAT SUCH REAL PROPERTY WILL DERIVE A SPECIAL BENEFIT FROM THE CANAL RESTORATION ACTIVITIES AND THE ONGOING OPERATIONS AND MAINTENANCE THEREOF AND THE REASONABLE APPORTIONMENT OF THE ASSESSMENT; ESTABLISHING THE TERMS AND CONDITIONS OF THE PROPOSED SPECIAL ASSESSMENT, INCLUDING ADMINISTRATIVE AND COLLECTION COSTS; ESTABLISHING THE AMOUNT AND TERM OF THE ANNUAL CANAL OPERATIONS AND OPERATION ASSESSMENT FOR EACH PARCEL OF PROPERTY TO BE ASSESSED BASED ON THE METHODOLOGY SET FORTH HEREIN; DIRECTING PREPARATION OF THE ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE I
AUTHORITY, DEFINITIONS, LEGISLATIVE FINDINGS

SECTION 1.01. AUTHORITY. This resolution is adopted pursuant to the provisions of Article VIII, Section 1 of the Florida Constitution; Sections 125.01 and 125.66 of Florida Statutes, which grant to a board of county commissioners all powers of local self-government to perform county functions and to render services for county purposes in a manner not inconsistent with general law; Monroe County Ordinance No. 021-2017 ("Ordinance") creating and establishing the Monroe
County Canals Municipal Service Benefit Unit ("MSBU"); and other applicable provisions of law.

Section 1.02. DEFINITIONS. This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. Any capitalized words and terms not defined herein shall have the meaning ascribed to such terms in the Ordinance. Unless the context indicates otherwise, words imparting the singular number including the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

"Annual Maintenance Assessment" means the amount computed for each Parcel pursuant to Section 4.03 hereof.

"Assessment Area" means a geographic area created by this Resolution, which is a sub-unit of an MSBU, containing properties that specially benefit from a Local Improvement, service, facility or program.

"Assessment Coordinator" means the person designated by the County to be responsible for coordinating the Assessments, or such person's designee.

"Board" means the Board of County Commissioners of Monroe County, Florida.

"Canal Improvements" means canal restoration activities performed within each of the canals within the MSBU as part of a Local Improvement as defined in the Ordinance, including but not limited to organic removal, backfilling, installation of air curtains, and installation of culverts, or any combination thereof.

"County" means Monroe County, a political subdivision of the State of Florida.

"County Administrator" means the chief executive officer of the County,
or such person's designee.

"Final Assessment Resolution" means the resolution described in Sections 3.02 and 3.06 of the Ordinance that imposes the Assessments within the Assessment Area.

"Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

"Government Property" means property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

"Local Improvement" means a capital improvement constructed or installed by the County for the special benefit of a neighborhood or other local area, for which special assessments are imposed pursuant to the Ordinance.

"Lot" means a building lot described on a map or plat recorded in the County's Official Records on or prior to the effective date of the Final Assessment Resolution or any subsequent Annual Assessment Resolution.

"MSBU" means the Monroe County Canals Municipal Service Benefit Unit described in the Ordinance.

"Maintenance" or "Maintenance Activities" means the ongoing operations and maintenance of the canal improvements, including but not limited to electrical service to operate air curtains and other electrical equipment, regular upkeep, and minor repairs.

"Maintenance Assessment" means an annual special assessment imposed against real property located within the MSBU to fund the Maintenance Activities,
and related expenses, computed in the manner described in Section 4.03 hereof.

"Maintenance Assessment Collection Cost" means the estimated cost to be incurred by the County during any Fiscal Year in connection with the administration of the Maintenance Assessment program and collection of the Maintenance Assessment, and shall consist of an internal administrative fee in the amount of five percent (5%) of the Maintenance Costs; external consultant administrative fee; and a commission paid to the Tax Collector, authorized per F.S. 192.091(2)(b), all distributed on a per Tax Parcel basis.

"Maintenance Assessment Roll" means a non-ad valorem assessment roll relating to the Maintenance Cost of the Maintenance Activities and related expenses.

"Maintenance Assessment Statutory Discount Amount" means the amount computed for each Parcel pursuant to Section 4.03 hereof.

"Maintenance Cost" means all or any portion of the expenses that are properly attributable to the Operations and Maintenance under generally accepted accounting principles, including, without limiting the generality of the foregoing, the cost of ongoing operations and maintenance of the canal improvements, including but not limited to electrical service to operate air curtains and other electrical equipment; repair and maintenance of the air curtain equipment, replacement of the air curtain equipment; and similar services. “Maintenance Cost” is synonymous with “Service Cost” as defined in the Ordinance.

"Ordinance" means Monroe County Ordinance No. 021-2017, the Canal Restoration Program Assessment Ordinance.

"Property Appraiser" means the Monroe County Property Appraiser.
"Tax Parcel" means a parcel of real property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem Assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. The terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; the term "hereafter" means after; and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The Board of County Commissioners of Monroe County, Florida, has enacted the Ordinance in order to provide for the creation of a municipal service benefit unit and to authorize the imposition of Assessments to fund the Maintenance of Local Improvements that serve and specially benefit the property located therein.

(B) The Canal Improvements constitute a Local Improvement, as defined in the Ordinance, and Maintenance constitutes a related service.

(C) All properties within the Assessment Area that have received an air
curtain will require continued operation of the air curtain in order to maintain the benefits achieved by these types of technology. All Lots and Tax Parcels within the MSBU that have received any this technology will also benefit from Maintenance of the Local Improvements. Without Maintenance of the Local Improvements, the gains achieved through improvement in water quality within the benefitted Lots and Tax Parcels by the Canal Improvements will be lost.

(D) The Board desires to create the Assessment Area and to collect Maintenance Assessments in order to fund Maintenance Costs.

(E) The Canal Improvement, and the related Maintenance Activities, provide a special benefit to the properties located within the Assessment Area, by protecting and enhancing their value, use and enjoyment; promoting health, welfare, convenience and safety for all assessed property owners in the Assessment Area; stabilization of or increase in property values; established and preserving water access to all properties within the Assessment Area; and improved appearance of the Assessment Area.

(F) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Maintenance of the Local Improvements by fairly and reasonably allocating the cost to specially benefitted property.

(G) The Board hereby finds that each property within the proposed MSBU will be benefited by the Maintenance of the Local Improvements in an amount not less than the Assessment imposed against such property, computed in the manner set forth in this Resolution.

(H) The Maintenance Assessment will be implemented to provide for
mandatory payment of the annual Maintenance Costs by all Tax Parcels within the MSBU.

ARTICLE II
NOTICE AND PUBLIC HEARING

SECTION 2.01. PUBLIC HEARING. A public hearing will be conducted by the Board at 1:30 P.M., or as soon thereafter as the matter can be heard, on August 21, 2019, at the Harvey Government Center, 1200 Truman Avenue, 2nd Floor, Key West, Florida, 33040 to consider adoption of a Final Assessment Resolution that will (A) create Assessment Areas, (B) impose Assessments, and (C) authorize collection of the Assessments pursuant to the Florida Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. Upon completion of the initial Assessment Roll, the Assessment Coordinator shall publish a notice of the public hearing on adoption of a Final Assessment Resolution as authorized by Section 2.01 hereof in the manner and the time provided in Section 3.04 of the Ordinance and Section 197.3632. Such notice shall be in substantially the form attached hereto as Appendix A.

SECTION 2.03. NOTICE BY MAIL. Upon completion of the initial Assessment Roll, the Assessment Coordinator shall, at the time and in the manner specified in Section 3.05 of the Ordinance, provide first class mailed notice of the public hearing authorized by Section 2.01 hereof to each real property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be mailed at least twenty (20) days prior to the public hearing, in accordance with Section 197.3632, F.S., and shall be in substantially the form attached hereto as Appendix B.
ARTICLE III
PROPOSED ASSESSMENT AREA

SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

(A) The Board proposes to create an assessment area for the Tax Parcels more particularly described in Appendix C attached hereto. The assessment area (the "Air Curtain Technology Assessment Area") shall consist of Tax Parcels shown in Appendix C, on Canal 266 (Big Pine Key) and listed in Appendix D, Description of Parcels by Assessment Area. Each Tax Parcel has received the Local Improvements consisting of air curtain technology.

(B) The Assessment Area is proposed for the purpose of funding Maintenance Activities within the MSBU and for the purpose of improving the use and enjoyment of property by funding the ongoing operations and maintenance of the Local Improvements.

ARTICLE IV
MAINTENANCE ASSESSMENTS

SECTION 4.01. ESTIMATED MAINTENANCE COST. The estimated annual Maintenance Cost for the Tax Parcels within the Air Curtain Technology Assessment Area is $34,942.60 per Fiscal Year. This Maintenance Cost will be funded through the imposition of Maintenance Assessments against real property located in the Air Curtain Technology Assessment Area in the manner set forth in this article.

SECTION 4.02. IMPOSITION OF MAINTENANCE ASSESSMENTS.
The Maintenance Assessments shall be imposed against all real property located within the MSBU for each Fiscal Year and shall be computed in accordance with this
Article. The Maintenance Assessments shall be imposed for a period of twenty (20) years. The first annual Maintenance Assessment will be included on the ad valorem tax bill to be mailed in November 2019. When imposed, the Maintenance Assessment for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the MSBU, pursuant to the Ordinance.

SECTION 4.03. COMPUTATION OF MAINTENANCE ASSESSMENTS.

(A) The annual Maintenance Assessments shall be computed for each Tax Parcel located in the MSBU by: adding the annual Maintenance Cost together with the Collection Cost, plus a five per cent (5%) reserve for the under-collection of assessments due to the discount on annual property tax bills allowed for property owners who pay prior to March 1 (“Maintenance Assessment Statutory Discount Amount”). This sum is then divided by the sum by the total number of Tax Parcels within the Assessment Area. The result is the portion of the Maintenance Costs attributable to each Tax Parcels.

(B) The above calculations shall be completed on an annual basis for purposes of the Maintenance Assessments.

SECTION 4.04. MAINTENANCE ASSESSMENT ROLL.

The Assessment Coordinator is hereby directed to prepare a final estimate of the Maintenance Assessments and to prepare the initial Maintenance Assessment Roll in the manner provided in the Ordinance. The Assessment Coordinator shall apportion the Maintenance Cost among the Tax Parcels of real property within the MSBU and within each Assessment Area as reflected on the Tax Roll in conformity with this Article. The estimate of Maintenance Cost and the Maintenance
Assessment Roll shall be maintained on file at the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Maintenance Assessment Roll be in printed form if the amount of the Maintenance Assessment for each Tax Parcel can be determined by use of a computer terminal available to the public.

ARTICLE V
GENERAL PROVISIONS

SECTION 5.01. METHOD OF COLLECTION. The Assessments shall be levied and collected pursuant to the Florida Uniform Assessment Collection Act, F.S. 197.3632 and 197.3635.

SECTION 5.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 5.03. CONFLICTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5.04. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 17th day of July 2019.

Mayor Sylvia Murphy       Yes
Mayor Pro Tem Danny Kolhage Yes
Commissioner Heather Carruthers Yes
Commissioner Michelle Coldiron Yes
Commissioner David Rice    Yes

ATTEST:
KEVIN MADOK, Clerk of Circuit Court and Ex-Officio Clerk to the Board of County Commissioners

By: Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By: Mayor Sylvia Murphy

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Date: 7-25-2019
APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published on or before July 31, 2019

NOTICE OF INTENTION TO CONSIDER ADOPTION OF
COUNTY FINAL ASSESSMENT RESOLUTION

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on August 21, 2019, at 1:30 p.m. or as soon thereafter as may be heard, at the Harvey Government Center, 1200 Truman Avenue, 2nd Floor, Key West, FL 33040, the Board of County Commissioners of Monroe County, Florida, will hold a public hearing to consider approval of the following County resolution:

Monroe County, Florida
Canal Restoration Program
Final Assessment Resolution

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RELATING TO THE CANAL RESTORATION PROGRAM; IMPOSING ANNUAL MAINTENANCE ASSESSMENTS FOR PROPERTIES LOCATED WITHIN THE CANAL RESTORATION MUNICIPAL SERVICE BENEFIT UNIT; APPROVING THE NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF MAINTENANCE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

The figure below depicts the Assessment Areas within the Canal Restoration Municipal Service Benefit Unit subject to the assessments:

![Canal Restoration - #266](image)

Canal 266
Big Pine Key, FL

The public hearing is being held for the purpose of receiving public comment on the proposed assessments and collection of the assessment on the ad valorem tax bills. All affected property owners have the right to appear and provide input at the hearing, and may file written objections with the County Administrator at any time prior to the public meeting or within twenty (20) days following publication of this notice, whichever is greater.

The Assessments have been proposed to fund ongoing annual maintenance costs for the canals, including but
not limited to cost of electricity to run air curtains, vegetation removal and related services. The assessment for each parcel of property will be based upon the number of Tax Parcels in the Assessment Area. A more specific description is set forth in the Initial Assessment Resolution adopted by the Board of County Commissioners on July 17, 2019. Copies of the Initial Assessment Resolution, the plans and specifications for the Maintenance Activities, and the initial Assessment Rolls are available for inspection at the Monroe County Administrator’s Office, 1100 Simonton St., Suite 2-268, Key West Florida 33040, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

The annual assessment rates are:
$1,247.95 per Tax Parcel in the Air Curtain Technology Assessment Area

The assessments will be collected on the ad valorem tax bill, commencing with the tax bill to be mailed in November 2019, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the real property which may result in a loss of title.

If you have any questions, please contact Rhonda Haag at (305) 453-8775 Monday through Friday between 8:00 a.m. and 4:30 p.m.

Pursuant to Section 286.0105, F.S., if a person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

**ADA Assistance:** In accordance with the Americans with Disabilities Act, any person needing a special accommodation or an interpreter to participate in this proceeding should contact the County Administrator’s office at (305) 292-4441, between the hours of 8:30 a.m. and 5:00 p.m., no later than five (5) days prior to the date of the hearing. If you are hearing or voice impaired, call ‘711.’

(SEAL) KEVIN MADOK, Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

**Publication as display ad with border on the following dates:**

Report
Keynoter
KW Citizen
APPENDIX B
FORM OF FIRST CLASS NOTICE TO BE MAILED

Monroe County
Sustainability Department
102050 Overseas Hwy., #246
Key Largo, FL 33037

July __, 2019

Board of County Commissioners
Mayor Sylvia Murphy, Dist. 5
Mayor Pro Tem Danny Koihage, Dist. 1
Michelle Coldiron, Dist. 2
Heather Carruthers, Dist. 3
David Rice, Dist. 4

«OwnerName1»
«OwnerName2»
«OwnerAdd1»
«OwnerAdd2»
«City» «State» «Zip» «COUNTRY»

AK#:
Sequence Number: SL2-«SeqNum»
Notice Date: July 31, 2019

Re: Notice of Proposed Maintenance Special Assessment for Canal 266 Air Curtain
Canal Restoration Program

Dear Property Owner:

A municipal service benefit unit is being created to fund assessments for operation and maintenance costs related to certain canal restoration activities in your area. The operation and maintenance work is necessary in order to maintain the water quality improvement that has already been achieved on the canals. The type of operation and maintenance work that is necessary depends on the type of canal restoration technology that was used in each canal. The assessment for each parcel of property is based on the cost of the operations and maintenance and the number of Tax Parcels on each canal. A more specific description of the assessment program is set forth in the Initial Assessment Resolution adopted by the County Commission on April 17, 2019. Information regarding the assessment for your specific property is shown below.

Monroe County created the Monroe County Canals Municipal Service Benefit Unit to impose special assessments to fund ongoing operations and maintenance costs for those canals in the canal restoration program. The maintenance assessments will be collected on the ad valorem tax bill commencing with the tax bill to be mailed in November 2019, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the real property, which may result in a loss of title.

A more specific description of the improvements and the method of computing the assessment for each parcel of real property are set forth in the Initial Assessment Resolution adopted by the Board of County Commissioners on July 17, 2019. Copies of the Canal Restoration Program Assessment Ordinance, the Initial Assessment Resolution (including an explanation of the assessment methodology) and the initial Assessment Roll are available for inspection at the Monroe County Administrator’s Office, 1100 Simonton St., #2-268, Key West Florida 33040 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Information regarding the assessment for your specific real property is attached to this letter.

The proposed assessments are based on the total overall future maintenance cost, divided by the number of Tax Parcels on the canal. The annual assessment for each Tax Parcel will include its share of annual
collection costs. An amount is also added to cover the statutory discount applicable to early payment of ad
valorem taxes and special assessments.

The total number of Tax Parcels attributable to the above tax parcel is: 28
The estimated Annual Maintenance Assessment for the above parcel is $1,247.95, which translates to
$104.00 per Tax Parcel per month.

The estimated total revenue to be collected for the Air Curtain Technology Assessment Area is 34,943 per Fiscal
Year.

You are invited to attend a public hearing to adopt the Final Assessment Resolution scheduled for August 21,
2019 at 1:30 p.m. at the Harvey Government Building at 1200 Truman Avenue, 2nd Floor, Key West, FL 33040.
The Final Assessment Resolution will be available in the agenda packet for the hearing, to be published at
www.monroecounty-fl.gov/agendacenter on August 6, 2019. All affected property owners have a right to
appear at the hearing and to file written objections with the County Administrator any time prior to the public
hearing. If you decide to appeal any decision made by the County Commission with respect to any matter
considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim
record is made, including the testimony and evidence upon which the appeal is to be made.

In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs special
accommodations to participate in this proceeding, please contact the County Administrator at (305) 292-
4441, between the hours of 8:30 a.m. – 5:00 p.m., no later than five (5) calendar days prior to the date of the
hearing. If you are hearing or voice impaired, call “711”.

Questions regarding your assessment and the process for collection may be directed to the Monroe County
Sustainability Department at (305)453-8774, Monday through Friday between 8:00 a.m. and 4:30 p.m.

MONROE COUNTY, FLORIDA
APPENDIX C

LEGAL DESCRIPTION OF PARCELS IN ASSESSMENT AREA

**Canal 266**

Those lots lying on Big Pine Key, FL adjacent to Canal 266, lying in the portion of unincorporated Monroe County bounded on the north by Baileys Lane, on the west by Matthew Rd., on the south by Witters Lane, and on the east by the Gulf of Mexico.
APPENDIX D

DESCRIPTION OF PARCELS BY ASSESSMENT AREA

The Air Curtain Technology Assessment Area shall consist of the following properties located in the unincorporated area of Monroe County, Florida, on Canal 266, as identified by the parcel identification number provided by the Monroe County Property Appraiser.

<table>
<thead>
<tr>
<th>Alt Key</th>
<th>RE #</th>
<th>Owner Name</th>
<th>Parcels</th>
<th>Assessment</th>
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<td>138242</td>
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<td>$1,247.95</td>
</tr>
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