

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: May 21, 2008

Division: Land Authority

Bulk Item: Yes No

Contact / Phone #: Mark Rosch / 295-5180

Agenda Item Wording: Approval of a resolution authorizing staff to request exemptions from assessments levied by the Key Largo Wastewater Treatment District on properties acquired for purposes other than development.

Item Background: The Key Largo Wastewater Treatment District imposes special assessments on those properties proposed to be connected to KLWTD wastewater treatment facilities. Some properties within the KLWTD service area are environmentally sensitive lands owned by the Land Authority that will not be developed and therefore will not be connected to the wastewater system. To address these types of situations, KLWTD offers a process by which property owners may apply for and receive an exemption from assessments. The proposed resolution authorizes staff to request exemptions and to execute the associated exemption documentation for those Land Authority properties which will not be developed, such as Tier I, Tier III-A, and wetland properties acquired for conservation or the protection of private property rights.

The KLWTD exemption documentation includes a notice that in the event an exempted property is developed in the future and requires connection to KLWTD wastewater treatment facilities, the cost of connecting at that future date is expected to be higher than the current cost.

The County Attorney's Office has prepared a similar resolution for those properties titled in the Board of County Commissioners.

Advisory Committee Action: None.

Previous Governing Board Action: None.

Contract/Agreement Changes: None.

Staff Recommendation: Approval.

Total Cost: N/A

Budgeted: Yes No .

Cost to Land Authority: N/A

Source of Funds: N/A

Approved By: Attorney County Land Steward .

Documentation: Included: To Follow: Not Required: .

Disposition: _____

Agenda Item _____

RESOLUTION NO. _____

A RESOLUTION OF THE MONROE COUNTY
COMPREHENSIVE PLAN LAND AUTHORITY AUTHORIZING
STAFF TO REQUEST EXEMPTIONS FROM ASSESSMENTS
LEVIED BY THE KEY LARGO WASTEWATER TREATMENT
DISTRICT ON PROPERTIES ACQUIRED FOR PURPOSES
OTHER THAN DEVELOPMENT.

WHEREAS, as it progresses on its system projects, Key Largo Wastewater Treatment District (KLWTD) is imposing special assessments on those properties to be served by KLWTD wastewater treatment facilities; and

WHEREAS, some of the properties owned by the Monroe County Comprehensive Plan Land Authority (hereinafter "Land Authority") within the KLWTD service area are not expected to be developed, generate wastewater, nor benefit from wastewater treatment service; and

WHEREAS, KLWTD has a procedure by which the Land Authority may request an exemption from wastewater assessments for said properties; and

WHEREAS, the Land Authority understands and acknowledges that in the event an exempted property is later developed in a manner requiring connection to the KLWTD wastewater treatment system, the Land Authority shall be required to pay to KLWTD all direct and indirect costs and expenses, including but not limited to, an amount fairly representing the special benefit the property will receive, as determined by KLWTD, which amount is expected to be higher than current KLWTD assessments;

NOW, THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY:

Section 1. The Executive Director is hereby authorized to submit to KLWTD requests for exemptions from assessments for any Land Authority properties where the purpose or means of acquisition, the applicable development regulations, or the existing use indicate the properties will not be developed in a manner requiring state-mandated connection to a central sewerage system. Such properties shall consist primarily of, but are not limited to, lands acquired for conservation, lands acquired for the protection of private property rights, lands consisting of wetlands, and lands designated Tier I or Tier III-A.

Section 2. The Executive Director and the Land Authority's Attorney shall each have the authority to execute any documents required by KLWTD in order to finalize the award of exemption from any assessment.

PASSED AND ADOPTED by the Monroe County Comprehensive Plan Land Authority at a regular meeting on this _____ day of _____ 2008.

(Seal)

ATTEST:

MONROE COUNTY COMPREHENSIVE
PLAN LAND AUTHORITY

Mark J. Rosch
Executive Director

Charles "Sonny" McCoy
Chairman

Approved for Legal Sufficiency

Larry R. Erskine