

**ORDINANCE NO. 22-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE 88-48, WHICH ESTABLISHED CAPITAL RECOVERY CHARGES FOR CONNECTION TO THE WASTEWATER AND TRANSMISSION FACILITIES KNOWN AS THE "NORTH MERRITT ISLAND WASTEWATER TRANSMISSION SYSTEM NO. 1," TO MODIFY THE BOUNDARY; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR RATIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Brevard County Board of County Commissioners established the North Merritt Island Wastewater Transmission System No. 1 by Ordinance Number 88-48, which provided for the acquisition and construction of the wastewater collection and transmission facilities and other appurtenances thereof, and for financing the cost of such projects for the system; and

**WHEREAS**, Ordinance 88-48 also defined the capital recovery boundary of the North Merritt Island Wastewater Transmission System No. 1 in a legal description attached to Ordinance 88-48 as Exhibit A;

**WHEREAS**, in 2020, the Brevard County Board of County Commissioners enacted Ordinances 20-02 and 20-06, creating Phase 2 and Phase 3 of the North Merritt Island Wastewater Transmission System capital recovery fee; and

**WHEREAS**, the Utility Services Department reviewed the boundaries of the three phases and discovered that Phases 2 and 3 were inadvertently drawn entirely within the boundary of Phase 1; and

**WHEREAS**, at this time, Exhibit A, the legal description of the boundary of the wastewater collection and transmission facilities and other appurtenances for the North Merritt Island Wastewater Transmission System No. 1, needs to be amended in order to modify the boundary so that the three phases no longer overlap; and

**WHEREAS**, the Board of County Commissioners now desires to amend Ordinance Number 88-48 to correct the overlap in the boundaries of the three phases.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. Recitals.** The foregoing recitals are incorporated by reference into this Ordinance.

**SECTION 2. Section 2 of Ordinance 88-48 establishing the North Merritt Island Transmission System No. 1 is hereby amended as follows:**

Exhibit A is deleted in its entirety and replaced with a map of the North Merritt Island Transmission System No. 1, attached hereto as Exhibit A.

**SECTION 3. Ratification.** All other provisions of Section 2 of Ordinance 88-48 establishing the North Merritt Island Transmission System No. 1 are hereby ratified, confirmed and shall remain in full force and effect.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision and shall not be affected by such holding.

**SECTION 5. Conflict.** All resolutions, ordinances, and agreements or parts thereof that may be determined to be in conflict with this ordinance are repealed.

**SECTION 5. Effective Date.** A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This Ordinance shall take effect upon adoption and filing pursuant to law.

**DONE, ORDERED AND ADOPTED**, in Regular Session, this 12<sup>th</sup> day of July 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel M. Sadoff, Clerk  
(SEAL)

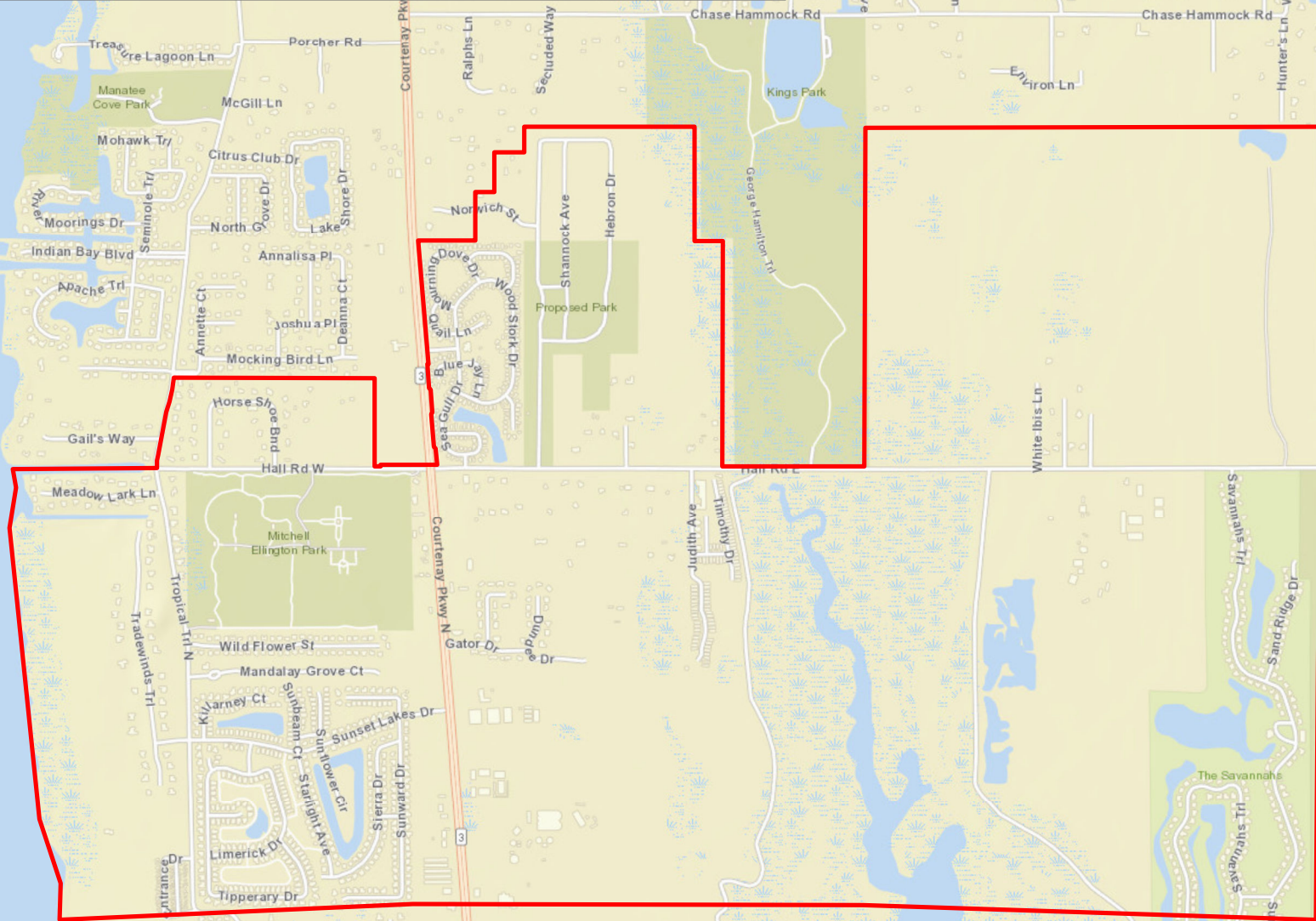
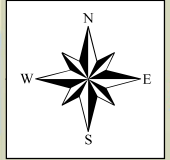
\_\_\_\_\_  
Kristine Zonka, Chair

As approved by the Board on \_\_\_\_\_

Reviewed for legal form and content:

  
\_\_\_\_\_  
Assistant County Attorney

# Exhibit A - North Merritt Island Capital Recovery area - Phase 1



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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Date: 4/13/2022