

## RESOLUTION No. 2025-21

### A RESOLUTION OF THE CAPTIVA EROSION PREVENTION DISTRICT BOARD OF COMMISSIONERS APPROVING THE TENTATIVE APPORTIONMENT FOR THE CAPTIVA ISLAND 2024-2025 BEACH MAINTENANCE RENOURISHMENT PROJECT

WHEREAS, the Captiva Erosion Prevention District ("District") is a beach and shore preservation district; and

WHEREAS, the District has developed and adopted a comprehensive beach and shore preservation program and a beach maintenance program for the area within its jurisdiction; and

WHEREAS, the District has authorized the "The Captiva Island 2024-2025 Emergency Beach Maintenance Renourishment Project" (the "Project") under Section 10(1), Chapter 2000-399, Laws of Florida (the "Act"), as approved by Resolution 2024-01 and by Resolution 2024-02 placing the referendum on the ballot for an election on May 21, 2024, in which a majority of the voters approved the referendum, and ordered the construction of the Project; and

WHEREAS, the Project is located between Florida DEP reference monuments R-84 and R-109 (Captiva Island). The Project consists of the placement of approximately 800,000 cubic yards of beach fill along 4.85 miles of shoreline and the rehabilitation of existing dunes along the entire Gulf shoreline of Captiva Island between Redfish Pass and Blind Pass. The Project, designed to last beyond 8-10 years, provides necessary renourishment to counteract critical erosion of beaches, properties, and shorelines from the impacts of hurricanes; and

WHEREAS, pursuant to Section 10(3) of the Act, the engineer for the District prepared, in duplicate, plans and specifications for the Project and an estimate of the Cost (as defined in the Act) thereof; and

WHEREAS, pursuant to Section 10(5) of the Act, the District caused to be prepared, in consultation with the engineer, a **tentative apportionment** of the estimated total cost as between the District and the Gulffront Lands and other lands that may be specially benefitted and subject to special assessment for the Project approved by Resolution 2024-01 (and approved by the voters by referendum pursuant to Resolution 2024-02), such apportionment having been made in accordance with the provisions of said Section 10(5) relating to the apportionment of cost in the preliminary assessment roll, one of the duplicates of the above-referenced plans, specifications, and Cost estimate and of such tentative apportionment having been filed with the District Board (as defined in the Act) and the other duplicate having been retained by the engineer in his or her files, all of which were and shall be open and subject to public inspection, upon request; and

WHEREAS, pursuant to Section 10(6) of the Act, the District Board, upon the filing with it of such plans, specifications, estimates, and tentative apportionment of cost, gave Notice by Publication (as defined in the Act) in the News Press on March 27, 2025 that at a regular meeting commencing at 1:00 p.m. of the District Board held on April 7, 2025, that at a time certain of 3:00 p.m., the District Board would hear objections of all interested persons to the Project and tentative apportionment. The District Board also provided Notice by Mail (as defined in the Act) by the U.S. Postal Service mailed March 26, 2025 by first class mail to each person, firm, or corporation whose specially benefitted lands shall be affected, at such address as shown on the last available tax roll, at least ten days before the time for the hearing as stated in such notice; and

WHEREAS, pursuant to Section 10(7) of the Act, at the time named in such notices, the District Board received any and all objections of interested persons to the Project approved by Resolution 2024-01 and the proposed tentative apportionment before voting on the tentative apportionment;

and

WHEREAS, The Cost will be paid in part through special assessments imposed against properties benefited by the Project. The tentative assessment is based upon the full \$25 million amount approved by the voters by referendum pursuant to Resolution 2024-02; and

WHEREAS, the duly noticed hearing was held on April 7, 2025, commencing at 1:00 p.m. with the tentative apportionment heard at the noticed time certain at 3:00 p.m., at which time the tentative apportionment was presented, opened to public comment including any and all objections, and for consideration and discussion by the District Board.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT that:

Section 1. The District Board determines that the foregoing findings and recitals are true and correct representations of fact.

Section 2. The District Board hereby confirms and approves this tentative apportionment for the Project.

Section 3. The District Board directs that all objections to this Resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of this Resolution or prior Resolutions 2024-01, 2024-02 or the plans or specifications or estimate, void or voidable in whole or in part, and that were made in writing, in person or by attorney, and filed with the District Board at or before the time of such hearing shall be filed and maintained in the District offices.

Section 4. This Resolution shall take effect immediately upon its adoption,

DULY INTRODUCED, PASSED, ADOPTED and CONFIRMED by the BOARD OF COMMISSIONERS OF THE CAPTIVA EROSION PREVENTION DISTRICT on MAY 19, 2025.

\_\_\_\_\_  
CEPD Chairman John Wade

ATTEST:

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For CEPD  
Approved as to legal sufficiency:

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CEPD Attorney Ralf Brookes

Record of the Vote:  
Chairman Wade \_\_\_\_\_  
Commissioner Walter \_\_\_\_\_  
Commissioner Laird \_\_\_\_\_  
Commissioner McGowan \_\_\_\_\_  
Commissioner Miville \_\_\_\_\_