

AN ORDINANCE CREATING THE SPRINGWOOD WATERWAY AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT [MSBU] FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO THE WATERWAY WITHIN THE UNIT; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING AN INITIAL ASSESSMENT ROLL; CONFIRMING COLLECTION OF ASSESSMENT BY THE TAX COLLECTOR PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, INCLUSION IN CHAPTER 160, SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida has the authority to establish a Municipal Services Benefit Unit [MSBU] pursuant to Chapter 125, Florida Statutes; and

WHEREAS, the scope of service for aquatic weed control will include routine site inspections and monitoring of waterway condition, and shall encompass and include improvements for aquatic weed control by chemical, biological and/or mechanical means; and

WHEREAS, there are waterfront properties located within unincorporated Seminole County along Springwood Waterway that serve to benefit from the aquatic weed control improvements; and

WHEREAS, the MSBU Program working in conjunction with the Seminole County Roads-Stormwater Division will maintain decision making authority relative to initial and ongoing aquatic weed control efforts and the selection of service providers; and

WHEREAS, for the purpose of encouraging participation by the designated community, a voluntary group of community representatives will be given opportunity to make recommendations regarding the defined scope of service and treatment plans identified for improving the aquatic weed conditions of the waterway; and

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Eva Roach*
DEPUTY CLERK

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2009084719 BK 07232 Pgs 0423 - 433, (1 pgs) RECD 07/21/2009 04:11:52 PM
REC FEES 95.00, RECD BY G Harford

WHEREAS, the non-ad valorem assessments which result from enactment of this Ordinance may be adjusted annually for fluctuations in operational expenses and allocations for providing aquatic weed control on behalf of the properties included in the assessment boundary of the MSBU; and

WHEREAS, the annual non-ad valorem assessment per benefit unit for the first year is estimated at \$265.00 as per cost projections provided in Exhibit A. The annual assessment per billing unit for each subsequent year is expected to vary and is subject to increase; and

WHEREAS, an assessment cap of \$450.00 will be implemented to ensure a maximum allowable assessment for future years. Subsequent petitioning and support will be required prior to assigning an annual assessment above the maximum allowable assessment rate.

WHEREAS, the Board of County Commissioners has approved the hereinafter described project;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. SHORT TITLE. This Ordinance shall be known and referred to as the Springwood Waterway Aquatic Weed Control Municipal Services Benefit Unit [MSBU] Ordinance.

Section 2. CREATING UNIT; IMPROVEMENTS. There is hereby created within Seminole County, the Springwood Waterway Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to Springwood Waterway within the unit. Said unit shall encompass and include improvements for aquatic weed control by chemical, biological and/or mechanical means. Said unit shall

encompass the waterfront parcels and the parcels associated with common element waterfront parcels located within unincorporated Seminole County as listed in Exhibit B.

Section 3. POWERS AND DUTIES OF BOARD. The unit shall be governed by the Board of County Commissioners of Seminole County, Florida, which board shall have the following powers and duties:

(a) To provide for the collection and disbursement by the County of such funds as may be necessary to pay the expenses for aquatic weed control within the unit.

(b) To provide for or contract for the design, construction, and maintenance of the chemical, biological, mechanical or any combination of aquatic weed control methodologies as set forth in Section 2.

(c) To levy non-ad valorem assessments upon property abutting, adjoining and contiguous to such aquatic weed control areas when such property is specially benefited by such aquatic weed control.

Section 4. ADMINISTRATIVE COSTS. All property within the assessment boundary of the MSBU will be assessed administrative costs, as promulgated under the MSBU Program procedures.


Section 5. VARIABLE ASSESSMENT RATE. The aquatic weed conditions of lakes and waterbodies, and the respective responsiveness of the site conditions to aquatic weed control techniques are known to fluctuate based on environmental factors and site specific conditions. As a result of such fluctuations and uncertainty, the costs associated with aquatic weed control will vary annually. The non-ad valorem

assessment levied annually to fund the aquatic weed control will vary according to the fluctuations in operational expenses and budgetary provisions required to manage aquatic weed conditions. The maximum allowable assessment per billing unit is \$450.00. The maximum allowable assessment may be increased by Board Resolution providing that a petition to increase the assessment above this amount has been distributed by the MSBU Program, the petition response demonstrated a 65% or greater support response from the assessed property, and the resulting initial assessment roll is adopted by the Board at a public hearing.

Section 6. ASSESSMENT FORMULA. The assessment formula used to determine the amount to be assessed to each property specially benefited from the aquatic weed control is one (1) benefit unit per parcel. The non-ad valorem assessment shall be derived annually by dividing the total annual budgeted cost of the MSBU by the number of benefit units in the MSBU and assigning that cost to each waterfront parcel in the boundary of the MSBU. Said non-ad valorem assessments shall constitute a lien upon the lands assessed. Pending collection by the County of such special assessments, as provided herein, the County may spend from the Municipal Services Benefit Unit Fund such sums as may be necessary to operate, maintain and administer the MSBU hereby created, and the County will be reimbursed to such extent at such time assessments are collected.

Section 7. COMMUNITY LIAISON PARTICIPATION. The MSBU Program working in conjunction with the Seminole County Roads-Stormwater Division will maintain decision making authority relative to initial

and ongoing aquatic weed control efforts and service provider selection. A voluntary group of community representatives (liaisons) selected by the participating property owners, consisting of at least three [3], but no more than seven [7] representatives, will be given opportunity to make recommendations regarding the defined scope of service and treatment plans identified for improving the aquatic weed conditions of the waterway. The designated community representatives will be given opportunity, at least once a year, to contribute to formulation of the treatment plans proposed for the waterway.

Section 8. INITIAL ASSESSMENT ROLL. The properties included in the assessed boundary of the MSBU are defined in Section 2. In compliance with Florida Statutes 197.3632, the initial non-ad valorem assessment roll denoting first time  levy expectations is adopted as documented in Exhibit C.

Section 9. METHOD OF COLLECTION. All non-ad valorem assessments which may result as herein authorized shall be collected by the uniform method adopted by the Seminole County Board of County Commissioners, pursuant to Section 197.3632, Florida Statutes.

Section 12. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 13. INCLUSION IN CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section", "article" or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 12, 13 and 14 shall not be codified.

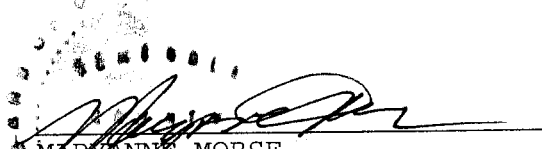
Section 14. EFFECTIVE DATE. This Ordinance shall take effect following receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

ENACTED this 28 day of July, 2009.

ATTEST:



**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**


MARYANNE MORSE

Clerk to the Board of
County Commissioners of
Seminole County, Florida.


BOB DALLARI, Chairman

Attachments:

- Exhibit A - Scope of Services and Estimate of Cost
- Exhibit B - Benefiting Parcels by Parcel Number
- Exhibit C - Initial Assessment Roll 2009

Exhibits

A, B, & C



Exhibit A

**Service Scope
and
Estimate of Cost**

The aquatic weed control improvements for Springwood Waterway may include chemical, mechanical, biological, and/or other activities typically associated with on-going maintenance efforts to monitor and control aquatic weed growth. The required treatments will vary annually with waterway conditions and will necessitate variations in scheduling and assessment calculations based on nature of treatments required and cost factors.

The cost components typically considered in estimating aquatic weed control cost and preparing annual budgets include: contracted services, supplies and/or other items required in association with water body management efforts, standard administrative and tax collection fees, etc. Long-term financial management of the MSBU may also include provisions associated with short-term fund advancement, coordination of installment payments (principal) and financing (interest) and allocation for establishing and maintaining an operating contingency and/or reserve funds for future needs.

Based on waterway conditions, treatment plan recommendations and cost projections for Springwood Waterway as of March 11, 2009, the cost estimate for managing the aquatic weeds is as follows:

The total estimated budget for the first full fiscal year [FY0910] of MSBU operation is as follows:

Contracted Services	\$ 10,700
Administration & Tax Collection	\$ 1,000
Application Fee Credit	\$ 550
Reserve/Contingency	<u>\$ 1,000</u>
Estimated Budget	<u>\$ 13,250</u>

The initial assessment for the Springwood Waterway Aquatic Weed Control MSBU is established as \$265.00 per benefit unit. All assessments for aquatic weed control subsequent to the initial assessment will vary according to changing site conditions, environmental factors, treatment recommendations and other uncertainties associated with aquatic weed control. The annual assessment for each subsequent year is subject to increase. The assessment for subsequent years is currently estimated at \$265.00 per benefit unit.

An assessment cap of \$450.00 is established to ensure a maximum allowable assessment for future years. Subsequent petitioning and support will be required prior to assigning an annual assessment per benefit unit above the maximum allowable cap.



Exhibit B

Benefiting Parcels by Parcel Number

The following parcels are included in the cost share assessment boundary of the Springwood Waterway Aquatic Weed Control MSBU:

Waterfront Parcels			
2221295070H000010	2221295070H000150	2221295080I000210	2221295CM0F000050
2221295070H000020	2221295070H000160	2221295080I000220	2221295CM0F000090
2221295070H000030	2221295070H000170	2221295080I000230	2221295CM0F000100
2221295070H000040	2221295070H000180	2221295080I000240	2221295CM0F000110
2221295070H000050	2221295080I000110	2221295080I000250	2221295CM0F000120
2221295070H000060	2221295080I000120	2221295080I000260	2221295CM0F000130
2221295070H000070	2221295080I000130	2221295080I000270	2221295CM0F000140
2221295070H000080	2221295080I000140	2221295080I000280	2221295CM0F000150
2221295070H000090	2221295080I000150	2221295080I000290	2221295CM0F000160
2221295070H000100	2221295080I000160	2221295080I000300	2221295CM0F000170
2221295070H000110	2221295080I000170	2221295CM0F000010	
2221295070H000120	2221295080I000180	2221295CM0F000020	
2221295070H000130	2221295080I000200	2221295CM0F000040	

Exhibit C
Initial Assessment Roll 2009

The initial assessment for the following parcels is \$265.00 based on the standard assessment allocation of one (1) benefit unit per parcel for Springwood Waterway Aquatic Weed Control MSBU.

PARCEL	OWNER NAME	PROPERTY ADDRESS
2221295070H000010	IRWIN RANDOLPH H & ANITA W	100 LAKE DESTINY TRL
2221295070H000020	DENNIS STEVEN	110 LAKE DESTINY TRL
2221295070H000030	DENNIS-ELLIOTT BLEU	120 LAKE DESTINY TRL
2221295070H000040	HEREICH SAMI M & KAREN A	130 LAKE DESTINY TRL
2221295070H000050	DECUBELLIS DANIEL L & DIANE	140 LAKE DESTINY TRL
2221295070H000060	BAYARD RAYMOND E & ALICE E	150 LAKE DESTINY TRL
2221295070H000070	POWELL HOLLY	160 LAKE DESTINY TRL
2221295070H000080	GERBER BETH G & MICHAEL H	170 LAKE DESTINY TRL
2221295070H000090	CALVO GLADYS	180 LAKE DESTINY TRL
2221295070H000100	CONNER CHAD	190 LAKE DESTINY TRL
2221295070H000110	SHER CYRIL C & BRENDA L	200 LAKE DESTINY TRL
2221295070H000120	COPELAND RICHARD A & MARY J	210 LAKE DESTINY TRL
2221295070H000130	SHUJMAN JAMIE & JUDITH H	220 LAKE DESTINY TRL
2221295070H000140	BALTZER PAUL A	230 LAKE DESTINY TRL
2221295070H000150	TRAD BARBARA TRUSTEE	240 LAKE DESTINY TRL
2221295070H000160	LAUGHARY PATRICK J & KANDIS R	250 LAKE DESTINY TRL
2221295070H000170	STAMER ROSE A &	260 LAKE DESTINY TRL
2221295070H000180	MINISH FRANK & GILBERT-MINISH CAROL R	270 LAKE DESTINY TRL
2221295080I000110	HIRESH MITRI M	200 SPRINGWOOD TRL
2221295080I000120	GLICKEN CONSTANCE D LIFE EST	190 SPRINGWOOD TRL
2221295080I000130	CLAYTON GLORIA M &	180 SPRINGWOOD TRL
2221295080I000140	CSANDLI JOSEPH & BETTE M	170 SPRING WOOD TRL
2221295080I000150	KIMBALL GARY A & PEGGY A	215 SPRING ISLE TRL
2221295080I000160	TOMASELLI JOSEPH A & DEBRA A	205 SPRING ISLE TRL
2221295080I000170	VERLANDER JOSEPH M & CONSTANCE	195 SPRING ISLE TRL
2221295080I000180	BARTOE JAMES W & JANE S	185 SPRING ISLE TRL
2221295080I000190	ANDERSEN CHARLES W & EMILY W	175 SPRING ISLE TRL
2221295080I000200	PAYNTER WILLIAM B III & SUE A	165 SPRING ISLE TRL
2221295080I000210	BRUECK ALBERT & ESTHER L	155 SPRING ISLE TRL
2221295080I000220	MENDEZ OVIDIO A & CELIA J	145 SPRING ISLE TRL
2221295080I000230	SIEGFRIED THOMAS L	135 SPRING ISLE TRL
2221295080I000240	BROOKS THELMA D	125 SPRING ISLE TRL
2221295080I000250	PEPPER LESLIE C JR	115 SPRING ISLE TRL
2221295080I000260	FRIEND A THOMAS	105 SPRING ISLE TRL
2221295080I000270	GREENLEE WARREN R & ILEANA S	95 SPRING ISLE TRL
2221295080I000280	RAMOS LUCY &	120 SPRINGWOOD TRL
2221295080I000290	ALPER HARVEY M & JUDITH W	110 SPRINGWOOD TRL
2221295080I000300	JENKINS RANDAL &	100 SPRINGWOOD TRL
2221295CMOF000010	FARAHBAKSH FARSHID	165 SPRING LAKE HILLS DR
2221295CMOF000020	PELSKI BRIAN A & JEANNE A	175 SPRING LAKE HILLS DR
2221295CMOF000030	SMITH DOROTHY	185 SPRING LAKE HILLS DR
2221295CMOF000040	BEEBE MICHAEL L & LUANN	195 SPRING LAKE HILLS DR
2221295CMOF000050	SINGER GIORA Y & CATHY J	205 SPRING LAKE HILLS DR
2221295CMOF000090	CARTER N PATRICIA	245 SPRING LAKE HILLS DR
2221295CMOF000100	JONES CHARLES J & ELAINE F	255 SPRING LAKE HILLS DR
2221295CMOF000110	ZENTNER IZUMI O	265 SPRING LAKE HILLS DR
2221295CMOF000120	HICKMAN PAULA D	275 SPRING LAKE HILLS DR
2221295CMOF000130	PARKER JAMES L & DELPHIA J	285 SPRING LAKE HILLS DR
2221295CMOF000140	CHRISTIAN MADRA	295 SPRING LAKE HILLS DR
2221295CMOF000150	VICKERY MARK A & MICHELE J	305 SPRING LAKE HILLS DR
2221295CMOF000160	SADA JAMES R & DONNA M	315 SPRING LAKE HILLS DR
2221295CMOF000170	FOLLEY DAVID C & LILLIAN V	325 SPRING LAKE HILLS DR