

ORDINANCE NO. 2021 - _____

SEMINOLE COUNTY, FLORIDA

**AN ORDINANCE CREATING THE SEMINOLE COUNTY FORMER DEER
2 RUN GOLF COURSE PROPERTY STABILIZATION MUNICIPAL
SERVICES BENEFIT UNIT (MSBU) FOR THE PURPOSE OF PROVIDING
4 SPECIAL BENEFIT TO THE RESIDENTIAL PROPERTIES
SURROUNDING THE FORMER GOLF COURSE PROPERTY WITH THE
6 RIGHT TO USE THE PROPERTY AS A FUTURE PUBLIC PARK AND
NEIGHBORHOOD AMENITY; PROVIDING IDENTIFICATION OF
8 PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE
GOVERNING OF SAID MSBU BY THE BOARD OF COUNTY
10 COMMISSIONERS; PROVIDING THE ASSESSMENT FORMULA;
PROVIDING A LIST OF PRELIMINARY CAPITAL IMPROVEMENT
12 ASSESSMENT AND PROVIDING FOR A METHOD OF ESTABLISHING
FINAL CAPITAL ASSESSMENT: AND INITIAL ASSESSMENT ROLL FOR
14 ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD
ADOPTED BY THE SEMINOLE COUNTY BOARD OF COUNTY
16 COMMISSIONERS ON FEBRUARY 24, 2009, PURSUANT TO SECTION
197.3632, FLORIDA STATUTES; PROVIDING FOR CODIFICATION IN
18 THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

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

WHEREAS, there are adjacent residential properties and non-residential properties with
24 associated right of use to common element former golf course property within unincorporated
Seminole County and the City of Casselberry which will benefit from the former golf course
26 property use as a future public park and neighborhood amenity; and

WHEREAS, pursuant to Chapter 163, Florida Statutes, local governments are encouraged
28 to cooperate on the basis of mutual advantage to provide services that will influence the needs of
local communities; and

30 **WHEREAS**, pursuant to Chapter 125.01(5)(a), Florida Statutes, the City of Casselberry
has established the required city ordinance providing authorization for Seminole County to assess
32 and collect through the uniform method the non-ad valorem assessments assigned to specially
benefited residential parcels within the city’s taxing district consistent with the establishment of
34 this MSBU; and

WHEREAS, the municipal services to be provided by Seminole County on behalf of the
36 Seminole County Former Deer Run Golf Course Property Stabilization MSBU, as herein
authorized by creation of an MSBU, shall consist of assessment levy designated to be assigned to
38 the specially benefited properties and levied as a capital improvement assessment financed and
payable by installment over a multi-year repayment period as identified in Exhibits A, B and C;
40 and

WHEREAS, the referenced municipal services were requested via a community-based
42 application and the required Petition to Create an MSBU distributed and monitored by the MSBU
Program demonstrated a favorable community support percentage [Exhibit D] that met the
44 minimum sixty-five percent (65%) support level required by Section 22.10(N) of the Seminole
County Administrative Code; and

46 **WHEREAS**, the Seminole County Leisure Services Department will maintain decision-
making authority relative to initial and on-going former golf course property services; and

48 **WHEREAS**, community participation and representation is encouraged in support of
certain MSBU activities; representatives of the assessed properties will be provided opportunity
50 to serve as liaisons of the assessed community as per Roles and Responsibilities outlined in
Exhibit E; and

52 **WHEREAS**, an Economic Impact Statement has been prepared for public review in
accordance with the provisions set forth in the Seminole County Home Rule Charter; and

54 **WHEREAS**, the Board of County Commissioners has approved the hereinafter described
MSBU.

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

58 **Section 1. Short Title.** This Ordinance shall be known and referred to as the Seminole
County Former Deer Run Golf Course Property Stabilization Municipal Services Benefit Unit
60 (MSBU) Ordinance.

Section 2. Creating Unit; Improvements. There is hereby created within Seminole
62 County the Seminole County Former Deer Run Golf Course Property Stabilization MSBU for the
purpose of providing a general benefit, including stabilization needs, to the residential properties
64 surrounding the former golf course property with the right to use the property as a future public
park and neighborhood amenity, as defined in Exhibit A on behalf of the Seminole County Former
66 Deer Run Golf Course Property that is inclusive of adjacent residential and non-adjacent
residential properties. Said MSBU boundary shall encompass the parcels listed in Exhibit C per
68 the property records maintained by the Seminole County Property Appraiser, all of which are
located within either the City of Casselberry, Florida or unincorporated Seminole County, Florida.
70 As used in this Ordinance, the term “stabilization needs” includes, but is not limited to, renovation
and refurbishment of recreation facilities including renovation of the existing clubhouse and
72 parking area for use as a community center facility, drainage, and other essential facilities.

Section 3. Powers and Duties of Board. The MSBU shall be governed by the Board of
74 County Commissioners of Seminole County, Florida, which Board shall have the following
powers and duties:

76 (a) To provide for the collection and disbursal by the County of such funds as may be
necessary to pay the expenses for services for stabilization needs within the MSBU.

78 (b) To provide for coordination and preparation of all plans, specifications, and other
professional services necessary to establish, inspect and maintain recreational opportunities, as
80 well as recreational facilities, drainage, and other essential facilities for the former Deer Run Golf
Course Property as set forth in Section 2.

82 (c) To levy non-ad valorem assessments upon property abutting, adjoining and
contiguous to such Former Deer Run Golf Course Property Stabilization Needs when such
84 property is specially benefited by such services.

(d) To levy non-ad valorem assessments upon any property which is specially benefited
86 and/or abuts, adjoins and is contiguous to the Former Deer Run Golf Course and those properties,
as defined in the MSBU assessment area, with the right of use of the former golf course property
88 or a property fronting on former Deer Run Golf Course, or which may have been omitted from the
hereinafter described assessment listing, upon giving sufficient notice to the owners of such
90 property and holding a public hearing to consider any comments, objections or other relevant
information to arrive at such decision to levy such non-ad valorem assessments.

92 (e) To provide method of financing from MSBU Program project funds as authorized
by the administrative procedures for municipal services benefit units.

94 **Section 4. MSBU Administrative Costs.** All property included in the assessed boundary
will be assessed administrative costs, as promulgated under the Municipal Services Benefit Unit
96 Program procedures.

Section 5. Assessment Formula. The benefit unit base for determining assessment
98 allocation is “per parcel” with consideration for parcel location relative to the resulting public park.
Parcels fronting and abutting and/or contiguous will be assessed two (2) benefit units; other parcels
100 will be assessed one (1) benefit unit.

Section 6. Common Element Land. The assessed boundary of this MSBU includes
102 residential parcels that are under individual ownership and parcels classified as common element
land. Common element land is defined as land designated and retained for the exclusive benefit of
104 a group of properties, generally designated to be a subdivision. The assessment allocated to a
common element land parcel will be collected through assignment of an equal pro-rata amount to
106 each parcel associated with the common element parcel. The prorated allocation of the assessment
will be calculated by dividing the benefit unit cost allocation by the number of associated parcels.
108 Associated parcels that are also assessed as a parcel will be assigned a maximum of one (1) right
of use benefit unit and that benefit unit assignment will be included with the parcel assessment.
110 All associated parcels that are not also parcels will be assigned a right of use benefit unit of one (1).

Section 7. Assessment and Collection. The funding structure from these MSBU services,
112 as described in Section 2, is provided in Exhibit B. A list of the properties specifically benefited
from the stabilization needs services, along with the respective benefit unit allocation, is provided
114 in Exhibit C. A preliminary non-ad valorem assessment as listed in Exhibit C is hereby assigned
to each property specially benefited from the stabilization needs services. Final assessment will be
116 established by Board Resolution adopted at a public hearing and will be based on actual cost of

property stabilization needs, less the supplemental funding provided by the County. Payment in
118 full of the final adjusted assessment without assignment of financing fees will be accepted by the
County within thirty (30) days following the final public hearing. Assessments not paid in full will
120 be assigned an annual financing fee and will be collected by up to fifteen (15) equal annual
installments billed and collected through the annual property tax bills. Financing fees are subject
122 to financing terms available at the time of project completion and establishment of the final
adjusted assessment.

124 The annual assessment shall be derived each year by allocating the total annual budgeted
costs of the MSBU equitably to each benefit unit per the assessment matrix provided in Exhibit B.
126 The assessment amount per benefit component shall be approved annually by Board Resolution.

 Said assessments shall constitute a lien upon the lands assessed. Pending collection by the
128 County of such assessments, as provided herein, the County may spend from its Municipal
Services Benefit Unit Fund such sums as may be necessary to operate, maintain and administer
130 the MSBU hereby created, and the County will be reimbursed to such extent at such time
assessments are collected.

132 All non-ad valorem assessments which may be created through this Ordinance shall be
assessed and collected by the uniform method adopted by the Seminole County Board of County
134 Commissioners, pursuant to Section 197.3632, Florida Statutes.

Section 8. Minimum Duration. Unless otherwise authorized by the Board, dissolution
136 of Seminole County Former Deer Run Golf Course Property Stabilization MSBU will not be
granted until the Ordinance has been in effect for a minimum of fifteen (15) assessment years
138 following the effective date of the ordinance creating the MSBU.

Section 9. MSBU Liaisons. Representatives of the assessed properties shall be provided
140 opportunity to serve as MSBU Liaisons. The role of an MSBU Liaison includes activities such as
providing representation on behalf of all owners of assessed properties, monitoring conditions and
142 reporting observations, disseminating relevant information, and encouraging communitywide
awareness and participation respective to environmental stewardship recommendations as outlined
144 in Exhibit E.

Section 10. Codification. It is the intention of the Board of County Commissioners that
146 the provisions of this Ordinance shall become and be made a part of the Seminole County Code,
and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word
148 or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such
intention; providing, however, that Sections 10, 11 and 12 of this Ordinance shall not be codified.

Section 11. Severability. If any provision of this Ordinance or the application thereof to
150 any person or circumstance is held invalid, it is the intent of the Board of County Commissioners
that such invalidity shall not affect other provisions or applications of this Ordinance which can
152 be given effect without the invalid provision or application and, to this end, the provisions of this
Ordinance are declared severable.
154

Section 12. Effective Date.

156 (a) The County will provide a certified copy of this Ordinance to the Florida Department
of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66,
158 Florida Statutes.

(b) This Ordinance will take effect upon filing a copy of this Ordinance with the
160 Department of State by the Clerk of the Board of County Commissioners; provided, however, that
the effective date of the MSBU set forth in this Ordinance will be no earlier than the day after the

162 acquisition of the Former Deer Run Golf Course Property by Seminole County, Florida. If the Former
Deer Run Golf Course Property is not acquired by Seminole County, Florida, then this Ordinance
164 shall be void and of no effect.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this
166 _____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOB DALLARI, Chairman

Attachments:

- Exhibit A – Scope of Services and Cost Estimates
- Exhibit B – Assessment Boundary and Assessment Matrix
- Exhibit C – Preliminary Assessment Roll
- Exhibit D – Petition & Summary Results
- Exhibit E – Roles and Responsibilities

PHC/org
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