

ORDINANCE

AN ORDINANCE CREATING THE LAKE SPRING WOOD AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT [MSBU] FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL SERVICES FOR THE LAKE 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 FISCAL AND ADMINISTRATIVE PROCEDURES TO FUND THE COST OF THE AQUATIC WEED CONTROL SERVICES THROUGH THE LEVY OF NON-AD VALOREM ASSESSMENTS; PROVIDING FOR THE COLLECTION OF NON-AD VALOREM ASSESSMENTS IN CONFORMANCE WITH THE UNIFORM COLLECTION METHOD PRESCRIBED IN SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR ADOPTION OF THE INITIAL ASSESSMENT ROLL; PROVIDING FOR PARTICIPATION BY COMMUNITY LIAISONS; PROVIDING FOR SEVERABILITY, CODIFICATION IN CHAPTER 160, OF THE SEMINOLE COUNTY CODE, AND PROVIDING 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, application for the creation of this MSBU has been made and approved by over sixty-five percent (65%) of the owners of property along Lake Spring Wood that would benefit from the services provided through the MSBU; and

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

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY Carlynn Cole  
DEPUTY CLERK

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2010109012 BK 07448 Pgs 0730 - 739 (10pgs) RECD 09/20/2010 02:25:48 PM REC FEES 96.50, RECD BY J Eckenroth(gail)

**WHEREAS**, there are waterfront properties located within unincorporated Seminole County along Lake Spring Wood (a.k.a. Springwood Lake) 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 on-going aquatic weed control efforts and the selection of service providers; and

**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 \$400.00 as per the cost projections provided in Exhibit A; and

**WHEREAS**, the annual assessment per benefit unit for each subsequent year is expected to vary and is subject to increase; and

**WHEREAS**, for the purpose of encouraging participation by the designated community, a voluntary group of community representatives (liaisons) 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 lake; and

**WHEREAS**, two (2) common land parcels (comprising approximately twenty-five percent [25%] of the lakefront) are in the taxing district of the City of Altamonte Springs located on the referenced waterfront and serve to benefit from the proposed improvements. The proposed MSBU is established without formal cost share participation from the common land parcels located in the city taxing district and owned by a condominium association. The total number of benefit units excluding common land parcels is eighteen (18) units. Each parcel in the unincorporated tax district will be assessed one (1) benefit unit.

**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 Lake Spring Wood Aquatic Weed Control Municipal Services Benefit Unit [MSBU] Ordinance.

**Section 2. CREATING UNIT; IMPROVEMENTS.** There is hereby created within Seminole County, the Lake Spring Wood Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to Lake Spring Wood (a.k.a. Springwood Lake) within the unit. Said unit shall encompass and

include improvements for aquatic weed control by chemical, biological and/or mechanical means as identified in Exhibit A. Said unit shall encompass the waterfront parcels, as listed in Exhibit B, located within unincorporated Seminole County that specially benefit from aquatic weed control services provided for Lake Spring Wood.

**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.      METHOD OF ASSESSMENT & VARIABLE 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 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 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. The assessment for each year subsequent to the enactment of this Article shall be implemented by means of a resolution adopted by the Board of County Commissioners of Seminole County which shall be recorded in the Official Land Records of Seminole County, Florida. 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 6. 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 in tax year 2010 is adopted as documented in Exhibit C.

**Section 7. 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 8. 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 lake. The designated community representatives will be given opportunity, at least once a year, to contribute to formulation of the treatment plans proposed for the lake.

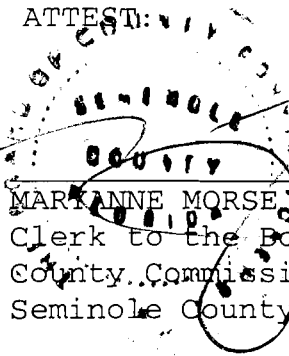
**Section 9. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 10. 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 9, 10 and 11 shall not be codified.

**Section 11. 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 15 day of September, 2010.

ATTEST:



**Chief Deputy**  
MARRIANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida.

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

  
BOB DALLARI, Chairman

Attachments:

- Exhibit A - Service Scope and Estimate of Cost
- Exhibit B - Benefiting Parcels by Parcel Number
- Exhibit C - Initial Assessment Roll 2010

AEC/sjs

7/1/10, 8/5/10

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Exhibit A

**Service Scope  
and  
Estimate of Cost**

The aquatic weed control improvements for Lake Spring Wood 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 lake 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 are inclusive of; but not limited to contracted services, supplies and/or other items required in association with aquatic weed control and lake management recommendations, contingency funds, administrative costs, and tax collection fees. Long-term financial management of the MSBU may also include provisions associated with short-term fund advancement, such as the coordination of installment payments (principal and financing interest) to repay fund advances, and ensuring funding allocations for establishing and maintaining an operating contingency and/or reserve funds for future needs.

Based on lake conditions as of April 2010, the cost projections for the recommended treatment plan and management of the MSBU, the total estimated budget for the first full fiscal year [FY1011] of MSBU operation is as follows:

Contracted Services & Contingency	\$6,200.00
Administration & Tax Collection	<u>\$1,000.00</u>
Total Budgeted	<u>\$7,200.00</u>

Based on above cost estimates, the initial assessment for the Lake Spring Wood Aquatic Weed Control MSBU is established as \$400.00 per benefit unit.

**Exhibit B**

Benefiting Parcels by Parcel Number

The following parcels are included in the cost share assessment boundary of the Lake Spring Wood Aquatic Weed Control MSBU:

Waterfront Parcels			
2221295080I000010	2221295080I000060	2321295080C000060	2321295080C000110
2221295080I000020	2221295080I000070	2321295080C00007A	2321295080C000120
2221295080I000030	2221295080I000080	2321295080C000080	2321295080C000130
2221295080I000040	2221295080I000090	2321295080C000090	
2221295080I000050	2221295080I000100	2321295080C000100	

**Exhibit C**

**Initial Assessment Roll 2010**

The initial assessment for the following parcels is \$400.00 and is based on a cost allocation of one (1) benefit unit per parcel for Lake Spring Wood Aquatic Weed Control MSBU.

PARCEL	OWNER NAME	PROPERTY ADDRESS
2221295080I000010	CALIFF LINDA R & W J III	95 SPRINGWOOD TRL
2221295080I000020	HANKS J LARRY JR & JOYCE T SCHEBLEIN VIOLA C/O ANDREA	105 SPRINGWOOD TRL
2221295080I000030	SPIELMANN	115 SPRINGWOOD TRL
2221295080I000040	HOBAN ROBERT G & THERESA W	125 SPRINGWOOD TRL
2221295080I000050	JANKAUSKAS SAULIUS	135 SPRINGWOOD TRL
2221295080I000060	PENDLETON TRAVIS & KATHLEEN L	145 SPRINGWOOD TRL
2221295080I000070	SEMONES BOB & MEREDITH	155 SPRINGWOOD TRL
2221295080I000080	BRAUMAN KEITH A & MICHELE W	165 SPRINGWOOD TRL
2221295080I000090	HOLCOMB ANDREA	175 SPRINGWOOD TRL
2221295080I000100	WIESE CALVIN & TAMI TOBIN JOHN J & PAGANO-TOBIN	185 SPRINGWOOD TRL
2321295080C000060	DOLORES M	115 SPRINGWOOD PL
2321295080C00007A	CARTA STEVEN J	120 SPRINGWOOD PL
2321295080C000080	LORIA ANTHONY & CYNTHIA A	125 SPRINGWOOD PL
2321295080C000090	DITRAGLIA MARGARET TRUSTEE	115 SPRING LAKE HILLS DR
2321295080C000100	CUMMINS WALTER M JR & JAN S FASCETTI AMERICO & THERESA P	125 SPRING LAKE HILLS DR
2321295080C000110	CO-TRS FBO	135 SPRING LAKE HILLS DR
2321295080C000120	SICILIANO ISABELLE SUCC TR	145 SPRING LAKE HILLS DR
2321295080C000130	SIERSDALE KIMBERLY K	155 SPRING LAKE HILLS DR