MARYANNE MORSE, SEMINOLE COUNTY CLERK OF CIRCUIT COURT & COMPTROLLER
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ORDINANCE NO. 2014 - 42 **SEMINOLE COUNTY, FLORIDA**

AN ORDINANCE CREATING THE BUTTONWOOD POND AQUATIC WEED CONTROL AND LAKE MANAGEMENT MUNICIPAL SERVICES BENEFIT UNIT (MSBU) FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO THE LAKE AREAS WITHIN THE MSBU; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID MSBU; PROVIDING FOR THE GOVERNING OF SAID MSBU BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A LIST OF ESTIMATED ANNUAL ASSESSMENTS FOR ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD ADOPTED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 24, 2009, PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; 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, there are waterfront properties within unincorporated Seminole County at Buttonwood Pond which will benefit from the municipal service of lake management and aquatic weed control; and

WHEREAS, the referenced municipal service with funding provided by non-ad valorem assessment was requested via a community-based application and the required Petition to Create an MSBU distributed and monitored by the MSBU Program demonstrated a favorable community support percentage that met and exceeded the sixty-five percent (65%) support level required by Section 22.10(N) of the Seminole County Administrative Code; and

WHEREAS, the properties that will benefit from lake management and aquatic weed control for Buttonwood Pond are all located within unincorporated Seminole County; and

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MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Terri Porto
DEPUTY CLERK

WHEREAS, the non-ad valorem assessments which result from enactment of this Ordinance may be adjusted annually due to changes in the number of benefit units or fluctuations in operating and/or administrative expenses necessary for lake management and aquatic weed control; and

WHEREAS, the initial assessment per benefit unit is proposed at TWO HUNDRED SIXTY-FIVE AND N0/100 DOLLARS ($265.00), per cost projections provided in Exhibit A; and

WHEREAS, the MSBU Program, working in conjunction with the Seminole County Public Works Department, will select the service provider(s) according to standard Purchasing and Contract provisions; and

WHEREAS, the MSBU Program, working in conjunction with the Seminole County Public Works Department, will maintain decision-making authority relative to initial and on-going lake management activities and aquatic weed control efforts; and

WHEREAS, a voluntary group consisting of no more than three (3) community representatives, selected by the owners of assessed property, will be provided opportunity to serve as liaisons of the community by representing the community at annual lake management and aquatic weed control budget planning sessions and by encouraging communitywide awareness and response to the environmental stewardship recommendations associated with lake management and aquatic weed control; and

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 Buttonwood Pond Aquatic Weed Control and Lake Management Municipal Services Benefit Unit (MSBU) Ordinance.

Section 2. Creating Unit; Improvements. There is hereby created within Seminole County the Buttonwood Pond Aquatic Weed Control and Lake Management Municipal Services Benefit Unit (MSBU) for the purpose of providing aquatic weed control and lake management to Buttonwood Pond within the MSBU. Said MSBU shall encompass and include lake management with aquatic weed control by chemical, biological, mechanical and/or other means associated with on-going efforts to monitor and control aquatic weed growth as defined in Exhibit A. Said MSBU boundary shall encompass the parcels listed in Exhibit B per the property records maintained by the Seminole County Property Appraiser, all of which are located within unincorporated Seminole County, Florida.

Section 3. Powers and Duties of Board. The MSBU 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 disbursal by the County of such funds as may be necessary to pay the expenses for aquatic weed control and lake management within the MSBU.

(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 lake management and aquatic weed control areas when such property is specially benefited by such services.

(d) To levy non-ad valorem assessments upon any property which is specially benefited and/or abuts, adjoins and is contiguous to such aquatic weed control, or which may have been omitted from the hereinafter described assessment listing, upon giving sufficient notice to the owners of such 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.

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

Section 5. Assessment Formula. The assessment formula used to determine the amount to be assessed to each property specially benefited from the referenced municipal service is one (1) benefit unit per waterfront parcel. A non-ad valorem assessment for the MSBU shall be derived annually by dividing the total annual budgeted costs of the MSBU by the number of benefit units in the MSBU and by assigning that cost to each parcel in the MSBU based on the designated benefit units per parcel. The assessment shall be approved annually by Board Resolution. Said assessments shall constitute a lien upon the lands assessed. Pending collection by the 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 the MSBU hereby created, and the County will be reimbursed to such extent at such time assessments are collected.

Section 6. Method of Assessment and Collection. All non-ad valorem assessments which may result as herein shall be assessed and collected by the uniform method adopted by the

Seminole County Board of County Commissioners, pursuant to Section 197.3632, Florida Statutes.

Section 7. Initial Assessment Roll and Annual Assessment. The initial assessment roll as developed per the provisions of the Buttonwood Pond Aquatic Weed Control and Lake Management Municipal Services Benefit Unit Ordinance is provided in Exhibit C. The assessment amounts may be adjusted annually. An assessment increase in any given year is limited to an amount no greater than twenty percent (20%) above the prior year rate. An assessment increase amount greater than twenty percent (20%) in any given year as set forth in this Ordinance can be authorized by the Board of County Commissioners by resolution at a public hearing or by consent resolution subsequent to an MSBU Program petition process that confirms the owners of at least sixty-five percent (65%) of the assessed properties support the recommended increase. Assessments will be adjusted to include any new parcels derived from a property split, merge or join within the said MSBU.

Section 8. Codification. 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 that 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 re-lettered to accomplish such intention; providing, however, that Sections 8, 9 and 10 of this Ordinance shall not be codified.

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 such 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. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 26 day of August, 2014.

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ROBERT DALLARI, Chairman

Attachments:
Exhibit A – Service Scope and Estimate of Cost
Exhibit B – Benefiting Parcels by Parcel Number
Exhibit C – Initial Assessment Roll 2014

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Exhibit A: SERVICE SCOPE AND ESTIMATE OF COST

The aquatic weed control improvements for Buttonwood Pond 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 March 2014, the cost projections for the recommended treatment plan and management of the MSBU, the total estimated budget for the first full fiscal year (October 1, 2014 through September 30, 2015) of MSBU operation is as follows:

Contracted Services	$ 2,680.00
Lake Management & MSBU Administration	$ 900.00
Total Annual Cost Estimate:	$ 3,580.00

Based on above cost estimates, the initial assessment for the Buttonwood Pond Aquatic Weed Control and Lake Management MSBU is established as $265.00 per benefit unit based on 14 benefit units.

The proposed MSBU scope of services, cost estimate and assessment calculation excludes treatment of hydrilla.

Exhibit B: BENEFITING PARCELS BY PARCEL NUMBER

The following parcels are included in the cost share assessment boundary of the Buttonwood Pond Aquatic Weed Control and Lake Management MSBU:

Residential Waterfront Parcels	
3120295EH0B000010	3220295DP0B000020
3120295EH0B000020	3220295DP0B000030
3120295EH0B000030	3220295DP0B000040
3120295EH0B000040	3220295DP0B000050
3120295EH0B000050	3220295DP0B000060
3120295EH0B000060	3220295DP0B000070
3220295DP0B000010	3220295DP0B000080

Exhibit C: INITIAL ASSESSMENT ROLL 2014

The following table represents the initial non-ad valorem assessment roll adopted for the Buttonwood Pond Aquatic Weed Control and Lake Management MSBU, with $265.00 assessment levied per each benefit unit assigned.

PARCEL	PROPERTY ADDRESS	BENEFIT UNITS	ASSESSMENT
3120295EH0B000010	207 SMOKERISE BLVD	1	$265.00
3120295EH0B000020	312 STONEBRIDGE DR	1	$265.00
3120295EH0B000030	310 STONEBRIDGE DR	1	$265.00
3120295EH0B000040	308 STONEBRIDGE DR	1	$265.00
3120295EH0B000050	304 STONEBRIDGE DR	1	$265.00
3120295EH0B000060	302 STONEBRIDGE DR	1	$265.00
3220295DP0B000010	205 SMOKERISE BLVD	1	$265.00
3220295DP0B000020	203 SMOKERISE BLVD	1	$265.00
3220295DP0B000030	100 BUTTONWOOD DR	1	$265.00
3220295DP0B000040	102 BUTTONWOOD DR	1	$265.00
3220295DP0B000050	200 BUTTONWOOD DR	1	$265.00
3220295DP0B000060	202 BUTTONWOOD DR	1	$265.00
3220295DP0B000070	204 BUTTONWOOD DR	1	$265.00
3220295DP0B000080	206 BUTTONWOOD DR	1	$265.00