

ORDINANCE

AN ORDINANCE CREATING THE LAKE MYRTLE SOUTHERN COVE AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT (MSBU) FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL SERVICES FOR THE SOUTHERN COVE OF 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, there are waterfront properties located within unincorporated Seminole County along the southern cove of Lake Myrtle that serve to benefit from the aquatic weed control improvements; 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 the southern cove of Lake Myrtle 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 Carla Cole  
DEPUTY CLERK

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2010109013 BK 07448 Pgs 0740 - 750; (11pgs) RECD 09/20/2010 02:25:48 PM  
REC FEES 95.00, RECD BY J Eckenroth(ally)

**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 for maintenance aquatic weed control per benefit unit for the first year is estimated at \$225.00 as per the cost projections provided in Exhibit A; and

**WHEREAS,** the annual maintenance aquatic weed control assessment per benefit unit for each subsequent year is expected to vary and is subject to increase; and is restricted to an annual increase no greater than \$25.00 per benefit unit per year, and to a maximum maintenance aquatic weed control assessment cap of \$375.00; and

**WHEREAS,** contracted services for submerged vegetation, such as Hydrilla and Naiad, are not included in the annual assessment for routine maintenance aquatic weed control. A separate assessment, in addition to the maintenance aquatic weed control assessment will be levied and included on the property tax bill when submerged vegetation requires treatment. The assessment for submerged vegetation treatments is estimated to be from \$40.00 to \$60.00 per benefit unit based on June 2010 pricing and estimates of cost. An assessment for submerged vegetation will not be assigned for the tax year 2010.

**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 lake; 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 Lake Myrtle Southern Cove Aquatic Weed Control Municipal Services Benefit Unit (MSBU) Ordinance.

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

**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 disbursal 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 routine maintenance 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 annual adjustment to the assessment for maintenance aquatic weed control is restricted to an annual increase of \$25.00 above the prior year maintenance aquatic weed control assessment. The maximum allowable maintenance aquatic weed control assessment is \$375.00. Any increase proposed above the annual adjustment maximum or above the maintenance aquatic weed control assessment maximum must be supported by at least sixty-five percent (65%) of the assessed properties. The standard MSBU Program petition process shall be used to document confirmation of such support.

Contracted services for submerged vegetation, such as Hydrilla and Naiad, are not included in the annual assessment for routine maintenance aquatic weed control. A separate assessment, in addition to the maintenance aquatic weed control assessment will be levied and included on the property tax bill when submerged vegetation requires treatment.

The assessment(s) 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.

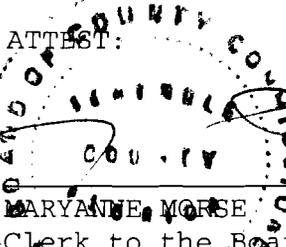


***(Signature Page Follows)***

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.

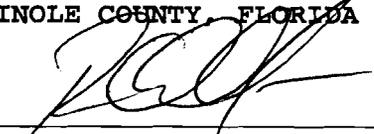
ENACTED this day of September 15, 2010.

ATTEST:

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

Chief Deputy

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

F:\Users\ssharrer\ORD\2010\Lake Myrtle Ordinance.docx

Exhibits

A, B, & C

10/1/07  
10/1/07  
10/1/07

Exhibit A

**Service Scope  
and  
Estimate of Cost**

The aquatic weed control improvements for the southern cove of Lake Myrtle 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 June 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	\$ 4,975.00
Administration & Tax Collection	<u>\$ 875.00</u>
Total Budgeted	<u>\$ 5,850.00</u>

Based on above cost estimates, the initial assessment for the Lake Myrtle Southern Cove Aquatic Weed Control MSBU is established as \$225.00 per benefit unit.

Submersed Vegetation: Contracted services for submerged vegetation, such as Hydrilla and Naiad, are not included in the above annual assessment for routine maintenance aquatic weed control. A separate assessment, in addition to the maintenance aquatic weed control assessment will be levied and included on the property tax bill when submerged vegetation requires treatment. The assessment for submerged vegetation treatments based on June 2010 pricing is estimated to be from \$40.00 to \$60.00 per benefit unit. An assessment for submerged vegetation will not be assigned for the tax year 2010.

Excavation of sediment is not a service component or improvement option funded under the definition of aquatic weed control improvements; excavation of sediment is a service component associated with lake restoration. Excavation of sediment is excluded from assessment funding consideration.

**Exhibit B**  
**Benefiting Parcels by Parcel Number**

The following parcels are included in the cost share assessment boundary of the Lake Myrtle Southern Cove Aquatic Weed Control MSBU:

Waterfront Parcels			
302030300007E0000	25202950100000170	30203051500000220	30203051500000290
25202930000100000	25202950100000190	30203051500000230	30203051500000300
25202930000200000	25202950100000200	30203051500000240	30203051500000310
25202950100000120	25202950100000210	30203051500000250	30203051500000320
25202950100000130	25202950100000230	30203051500000260	302030300007F0000
25202950100000150	30203051500000200	30203051500000270	
25202950100000160	30203051500000210	30203051500000280	

**Exhibit C**  
**Initial Assessment Roll 2010**

The initial assessment for the following parcels is \$225.00 and is based on a cost allocation of one (1) benefit unit per parcel for Lake Myrtle Southern Cove Aquatic Weed Control MSBU.

PARCEL	PROPERTY ADDRESS	BENEFIT UNIT	INITIAL ASSESSMENT
302030300007E0000	1830 LAKE EMMA RD	1	\$225.00
25202930000100000	1373 WINDY RIDGE CT	1	\$225.00
25202930000200000	1500 LINCOLNWOOD LN	1	\$225.00
25202950100000120	1091 RIDGE RD	1	\$225.00
25202950100000130	1081 RIDGE RD	1	\$225.00
25202950100000150	1607 OVERLOOK RD	1	\$225.00
25202950100000160	1617 OVERLOOK RD	1	\$225.00
25202950100000170	1621 OVERLOOK RD	1	\$225.00
25202950100000190	1041 TWIN LAKES RD	1	\$225.00
25202950100000200	1021 TWIN LAKES RD	1	\$225.00
25202950100000210	1015 TWIN LAKES RD	1	\$225.00
25202950100000230	1000 TWIN LAKES RD	1	\$225.00
30203051500000200	1972 DEERVIEW PL	1	\$225.00
30203051500000210	1968 DEERVIEW PL	1	\$225.00
30203051500000220	1964 DEERVIEW PL	1	\$225.00
30203051500000230	1960 DEERVIEW PL	1	\$225.00
30203051500000240	1956 DEERVIEW PL	1	\$225.00
30203051500000250	1952 DEERVIEW PL	1	\$225.00
30203051500000260	1948 DEERVIEW PL	1	\$225.00
30203051500000270	1944 DEERVIEW PL	1	\$225.00
30203051500000280	1940 DEERVIEW PL	1	\$225.00
30203051500000290	1936 DEERVIEW PL	1	\$225.00
30203051500000300	1932 DEERVIEW PL	1	\$225.00
30203051500000310	1928 DEERVIEW PL	1	\$225.00
30203051500000320	1924 DEERVIEW PL	1	\$225.00
302030300007F0000	1840 LAKE EMMA RD	1	\$225.00