



MARYANNE ORSE CLERK OF SCOUT COURT SEMINOLE COUNTY CFN 2007153120 BK 08354 Pgs 0308 - 319 (14pgs) RECD 10 9/2007 1 4:01 AM
REC FEES 120 50, RECD BY L MacKenley

ORDINANCE NO. 07- 33

SEMINOLE COUNTY, FLORIDA

ORDINANCE

AN ORDINANCE CREATING THE LAKE MYRTLE RESTORATION MUNICIPAL SERVICES BENEFIT UNIT TO BE CREATED FOR THE PURPOSE OF IMPROVING WATER QUALITY AND LAKE CONDITIONS FOR THE SOUTHERN MOST COVE OF LAKE MYRTLE; PROVIDING IDENTIFICATION OF PROPERTY INCLUDED IN SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT 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 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 Benefits Unit pursuant to Chapter 125, Florida Statutes; and

WHEREAS, the Board of County Commissioners has adopted administrative procedures for the establishment of Municipal Services Benefits Units, and the proposed LAKE MYRTLE RESTORATION MUNICIPAL SERVICES BENEFITS UNIT will be administered under the criteria as established by the Board of County Commissioners for said Municipal Services Benefits Units; and

WHEREAS, the benefiting property owners have expressed a desire to create an MSBU for lake restoration at the southern cove of Lake Myrtle according to the scope of service developed through on-going interactions involving the County's Lake Management Program, the MSBU Program, the lake front

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property owners and representation from various state agencies; and

Whereas, the project by definition is to include the removal and relocation of detrimental vegetation and sediment, the creation of wildlife refuge spoil islands using the removed vegetation and sediment, subsequent herbicide treatment of the targeted restoration area for twelve months in conjunction with the establishment of the referenced wildlife refuge islands, the replanting of beneficial native plants along the shoreline utilizing volunteer labor provided by lakefront property owners under the directions of County biologists, and on-going aquatic weed control maintenance being provided through private funding via the "Friends of Myrtle Lake, Inc." which is a resident managed lake management association; and

Whereas, the establishment of wildlife refuge spoil island has been requested by the property owners as an affordable alternative to relocation of the removed materials to an offsite disposal location; and

Whereas, the natural decay and material consolidation, and compacting cycles have been presented, explained, and reviewed with the lake front property owners; and

Whereas, the establishment of wildlife refuge spoil islands is authorized per state agency directives; and

Whereas, the property owners have been advised that the implementation and completion of the Lake Myrtle improvement

project is conditional on the Lake Myrtle water level being at an elevation that will provide suitable entrance and egress of the required equipment, and that if the water level exceeds the workable level, the project will be postponed until conditions are more favorable.

WHEREAS, an Economic Impact Statement has been prepared and is available for public review in accordance with the provisions set forth in the Seminole County Home Rule Charter; 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 Restoration Municipal Services Benefit Unit Ordinance.

Section 2. CREATING UNIT; IMPROVEMENTS There is hereby created within Seminole County, the Lake Myrtle Restoration Municipal Services Benefit Unit for the purpose of providing improved water quality and lake conditions in the southern most cove of the lake according to the project scope detailed in Exhibit A, which is inclusive of the removal and relocation of detrimental vegetation and sediment, the creation of wildlife refuge spoil islands using the removed vegetation and sediment, subsequent herbicide treatment of the

targeted restoration zone for twelve consecutive months in conjunction with the establishment of the referenced wildlife refuge islands, the replanting of beneficial natives along the shoreline utilizing volunteer labor provided by the lakefront property owners, and on-going aquatic weed control maintenance being provided through private funding via the "Friends of Myrtle Lake" association. Said unit shall encompass the project as detailed in Exhibit A, the cost projections and funding as outlined in Exhibit B. The properties listed in Exhibit C which are located within unincorporated Seminole County, Florida shall be included within said unit.

The MSBU Program working in conjunction with the Seminole County Lake Management Program of the Public Works Department's Roads-Stormwater Division will select the service provider(s) according to established contractual provisions. The Seminole County Lake Management Program will schedule interactions with the contracted service provider(s) to monitor contracted activities.

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 lake restoration activities within the unit.

(b) To provide for or contract for lake restoration activities as set forth in Section 2.

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

(d) To levy non-ad valorem assessments upon any property which is specially benefited and/or abuts, adjoins and is contiguous to such lake restoration activities, but 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.

(e) To provide the funding and financing through MSBU Program funds as budgeted and designated for establishing such improvements authorized by the administrative procedures for Municipal Services Benefits Units.

Section 4. INTEREST AND ADMINISTRATIVE COSTS. All property owners desiring to pay in ten annual installments will be assessed interest at a projected rate of approximately five and 50/100 percent (5.5%). All property owners will be assessed administrative costs, as promulgated under the Municipal Services Benefit Unit procedures, and per cost projection detailed in Exhibit B.

Section 5. ASSESSMENT FORMULA. The assessment formula used to determine the amount to be assessed to each eligible property specially benefited from the lake restoration is one (1) benefit unit per parcel. Said special 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 its Municipal Services Benefit Unit Fund such sums as may be necessary to complete the restoration project, and the County will be reimbursed to such extent at such time assessments are collected.

Section 6. LIST OF ASSESSMENTS. The affected properties are listed in Exhibit C. The estimated cost per parcel is \$3,665.00 as listed in Exhibit B with provisions not to exceed \$3,800.00 without petitioned property owner support of 65% or greater. Final assessment will be determined according to actual cost of the project and will be reviewed for Board approval at a public hearing following the completion of the removal and excavating phase of the project whereby the wildlife spoil islands are created and monthly herbicide treatments have been contracted.

Section 7. METHOD OF ASSESSMENT AND COLLECTION. All non-ad valorem assessments which may result as herein provided for in Exhibits B, Exhibit C and Section 6 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 8. 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 9. 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 8, 9 and 10 shall not be codified.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect upon 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 25th day of September, 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: 
Carlton D. Henley, Chairman

Exhibit A

Lake Myrtle Restoration MSBU Project Scope

The lake restoration improvements for Lake Myrtle will include:

- 1) Removal/relocation of related sediment via mechanical means,
- 2) Clear cutting and removal of vegetation via mechanical means,
- 3) Establishing several wildlife refuge spoil islands utilizing the vegetation and sediment removed from designated improvement areas and per guidelines for such islands,
- 4) Herbicide treatment for a 12-month period in conjunction with the creation of wildlife refuge spoil islands,
- 5) Replanting of beneficial native plants along the shoreline as per the directives of a County biologist, and utilizing volunteer labor provided by the lakefront property owners.

The wildlife refuge spoil islands will be located on parcel 25-20-29-501-0L01-0000 which is owned by Seminole County BCC and is classified "river/lake/submerged". The requested lake restoration improvements funded through the MSBU will not include an on-going aquatic weed control maintenance after the initial 12-month period noted in (4) above is completed. The aquatic weed control after this 12 month period will be provided by the "Friends of Myrtle Lake, Inc.", a community association specifically established for the purpose of maintaining the lake. The improvement plan details, as discussed with and provided to the benefiting properties are further defined in Exhibits A1 and A2.

Exhibit A-1

Lake Myrtle Restoration MSBU Project Specifics

The lake restoration project scope includes removing and/or excavating organic matter up to a depth of two feet within the approximated nine acres in the south cove of Lake Myrtle. This organic matter is to be scrapped and moved to two locations in Lake Myrtle for the creation of wildlife spoil islands pursuant of the aquatic plant permit conditions provided by the Florida Department of Environmental Protection Bureau of Invasive Plant Management. The areas to be excavated and the approximate location of the proposed wildlife spoil islands are identified on the map identified as Exhibit A-2.

Wildlife spoil island 1, located off the southern side of Twin Lakes Road (from cul-de-sac to 1015 Twin Lakes Road), is not to exceed a height greater than the elevation of the road. Wildlife spoil 2 is approximated to be 200 feet by 200 feet by 20 feet tall. Upon consolidation of these spoils, installation of beneficial native plants at the base (such as pickerel weed and duck potato) and trees (such as cypress and bay) shall be installed. These plantings will be included in the project to facilitate greater stabilization and utilization by waterfowl.

For areas outside of the excavation boundary, vegetation will be mowed/mulched using equipment with a front-end blade. The areas to be mowed/mulched are identified on the map identified as Exhibit A-2. The acreage amount associated with this portion of the scope is dependent on equipment capabilities. This restriction is based upon organic matter that is greater than four feet in depth in which equipment is unable to operate. Property owners affected by this restriction were personally advised on August 15th and are located at: 1830 Lake Emma Road, 1840 Lake Emma Road and 1500 Lincolnwood Lane.

Upon completion of the excavation phase, the project will include a twelve month herbicide contract. The herbicide treatment will include approximately twenty acres of the south cove of Lake Myrtle. Thereafter, responsibility of maintaining an herbicide contract at the appropriate frequency will be conducted through the Friends of Myrtle Lake, INC. (a resident managed lake association).

The project will include the introduction/planting of native plant material as required by aquatic plant permit conditions issued by the Florida Department of Environmental Protection

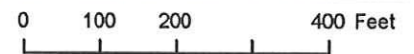
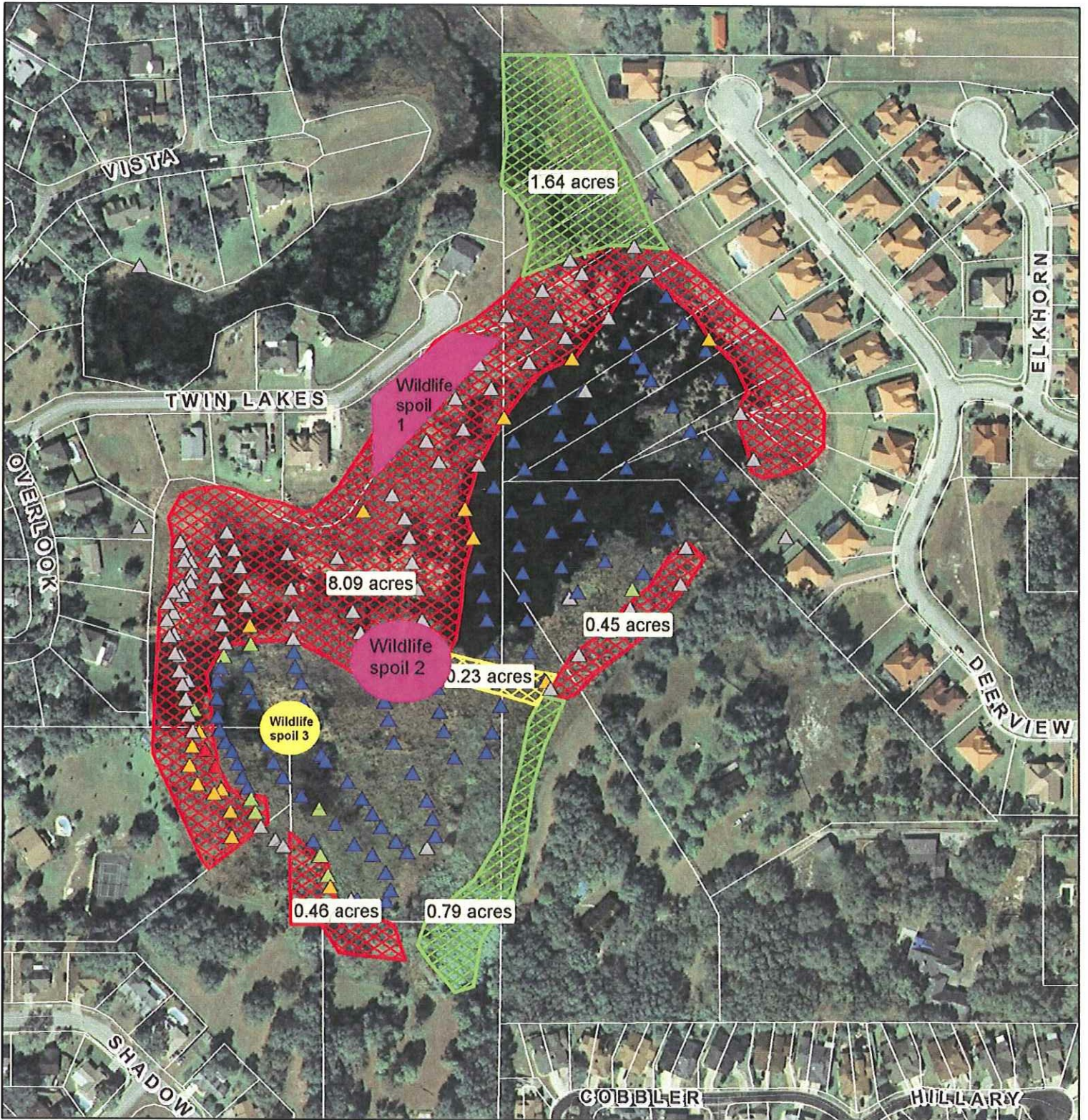
Bureau of Invasive Plant Management. These plants must be installed by the lakefront property owners and/or volunteers with the assistance of County biologists. Replanted areas are to be located along the lake shoreline.

General factors that may arise during the excavation phase includes temporary odors, visual decay of vegetation and transition to the establishment of beneficial native plants and any unforeseen circumstances.

This project is conditional on weather as water elevation will greatly reduce scope of restoration. Should water elevation exceed the criteria needed for excavation equipment, project will be postponed until conditions are more favorable.

Exhibit A-2

Lake Myrtle Restoration MSBU
MAP - Excavation & Wildlife Refuge Spoil Island



Legend

Area to be de-mucked	Muck Depths in Feet
Excavated	0.0 - 2.0
Mowed/Mulched	2.1 - 3.0
Possible Mow/Mulch	3.1 - 3.9
Parcels	4.0
	4.1 - 5.0

MYRTLE LAKE RESTORATION

These are graphic representations of the Public Works Project and do not necessarily represent the true extent or location of the project.

Exhibit B

Lake Myrtle Restoration MSBU Estimated Project Cost & Funding

Estimated Cost of Improvement Funded by the MSBU:

Vegetation and sediment removal	\$ 85,500.00
Contingency Fee (10%)	\$ 8,550.00
Administrative Fee	<u>\$ 1,200.00</u>

Total Estimated Expense Funded by the MSBU: \$ 95,250.00*
(*with provisions not to exceed \$98,800.00)

Estimated Total Cost Per Property:

The estimated assessment per parcel is \$3,665.00 if paid at time of project completion. The Ordinance includes provisions whereby the assessment per property shall not exceed \$3,800.00 unless so supported by 65% of the benefiting owners through a petition process.

The estimated per parcel annual installment assessment to be included on the property tax bill based on the estimated cost of \$3,665.00 per parcel with a recommended 10-year term at an interest rate of 5.5% will be approximately \$475.00. The final installment assessment will be dependent on actual project costs and financing terms authorized the by Board of County Commissioners.

Additional Cost of Improvements Funded by the Public Works Department's Roads-Stormwater Division:

Herbicide treatment for a 12-month period in conjunction with the establishment of the wildlife refuge spoil islands and replanting of beneficial native plants:

\$ 25,000.00

Estimated Total Expense For Project: \$120,250.00

Exhibit C
Lake Myrtle Restoration MSBU
Benefiting/Assessed Parcels

The following parcels are included for cost share assessment in the Lake Myrtle Restoration MSBU:

PID	LEGAL DESCRIPTION	PROPERTY ADDRESS	PROPERTY OWNER
30-20-30-515-0000-0200	LOT 20 HIDDEN COVE PB 58 PGS 82 - 83	1972 DEERVIEW PL	DENMAN JERRY M
30-20-30-515-0000-0210	LOT 21 HIDDEN COVE PB 58 PGS 82 - 83	1968 DEERVIEW PL	RATCLIFF W ALAN & DIANE E
30-20-30-515-0000-0220	LOT 22 HIDDEN COVE PB 58 PGS 82 - 83	1964 DEERVIEW PL	JAHAGIRDAR SUDIR R & PALAVI S
30-20-30-515-0000-0230	LOT 23 HIDDEN COVE PB 58 PGS 82 - 83	1960 DEERVIEW PL	MURZA JAN J & GABRIELA M
30-20-30-515-0000-0240	LOT 24 HIDDEN COVE PB 58 PGS 82 - 83	1956 DEERVIEW PL	GARCIA FERNANDO A & SANDY P
30-20-30-515-0000-0250	LOT 25 HIDDEN COVE PB 58 PGS 82 - 83	1952 DEERVIEW PL	SOLVERSON JANE
30-20-30-515-0000-0260	LOT 26 HIDDEN COVE PB 58 PGS 82 - 83	1948 DEERVIEW PL	PRESTON CHRISTOPHER & CAROL
30-20-30-515-0000-0270	LOT 27 HIDDEN COVE PB 58 PGS 82 - 83	1944 DEERVIEW PL	HARRIS JACKSON & SANDY
30-20-30-515-0000-0280	LOT 28 HIDDEN COVE PB 58 PGS 82 - 83	1940 DEERVIEW PL	GILLESPIE MARK S & MOIRA A
30-20-30-515-0000-0290	LOT 29 HIDDEN COVE PB 58 PGS 82 - 83	1936 DEERVIEW PL	BELLAIRE PARKER J
30-20-30-515-0000-0300	LOT 30 HIDDEN COVE PB 58 PGS 82 - 83	1932 DEERVIEW PL	LAUZIER ANDRE E & TERESA A
30-20-30-515-0000-0310	LOT 31 HIDDEN COVE PB 58 PGS 82 - 83	1928 DEERVIEW PL	LE NGUYEN SIMON & DOAN KIM N
30-20-30-515-0000-0320	LOT 32 HIDDEN COVE PB 58 PGS 82 - 83	1924 DEERVIEW PL	MOFFETT WILLIAM E JR & LAURA O
30-20-30-300-007F-0000	LEG SEC 30 TWP 20S RGE 30E BEG 334.36 FT N & 287.64 FT W OF SE COR OF SW 1/4 OF NW 1/4 RUN N 43	1840 LAKE EMMA RD	BALLENTINE RE II & GLENDA J
30-20-30-300-007E-0000	LEG SEC 30 TWP 20S RGE 30E BEG W 1/4 COR RUN N 881.31 FT S 32 DEG 34 MIN E 793.89 FT S TO S	1830 LAKE EMMA RD	BREWER JOHN W II & RUTHIE D

PID	LEGAL DESCRIPTION	PROPERTY ADDRESS	PROPERTY OWNER
25-20-29-300-0200-0000	LEG SEC 25 TWP 20S RGE 29E BEG 590 FT E OF NW COR OF E 1/2 OF GOVT LOT 2 RUN E	1500 LINCOLNWOOD LANE	IRANI RUSTOM & SARVAR
25-20-29-300-0010-0000	LEG SEC 25 TWP 20S RGE 29E BEG 70.75 FT S & 1167.2 FT E OF NW COR GOVT LOT 2 RUN W 248.72 FT	1373 WINDY RIDGE CT	SEPHTON BRIAN T & KLINGENBERG ANITA
25-20-29-501-0000-0120	LEG LOT 12 & S 25 FT OF LOT 13 MYRTLE LAKE HILLS PB 13 PG 9	1091 RIDGE RD	HOBKIRK MATTHEW A & GRETCHEN G
25-20-29-501-0000-0130	LEG LOT 13 (LESS S 25 FT) MYRTLE LAKE HILLS PB 13 PG 9	1081 RIDGE RD	YOUNG STEVEN D & KIMBERLY
25-20-29-501-0000-0150	LEG LOT 15 MYRTLE LAKE HILLS PB 13 PG 9	1607 OVERLOOK RD	KARL DON M & KATHLEEN I
25-20-29-501-0000-0160	LEG LOT 16 MYRTLE LAKE HILLS PB 13 PG 9	1617 OVERLOOK RD	JACOBS JEFF S
25-20-29-501-0000-0170	LEG LOT 17 MYRTLE LAKE HILLS PB 13 PG 9	1621 OVERLOOK RD	JANTOSCIAK ROBERT S
25-20-29-501-0000-0190	LEG LOT 19 MYRTLE LAKE HILLS PB 13 PG 9	1041 TWIN LAKES RD	HILLIS JENNIFER M
25-20-29-501-0000-0200	LOT 20 & W 30 FT OF LOT 21 MYRTLE LAKE HILLS PB 13 PG 9	1021 TWIN LAKES RD	MILEY NOEL A
25-20-29-501-0000-0210	LOT 21 (LESS W 30 FT) & LOT 22 MYRTLE LAKE HILLS PB 13 PG 9	1015 TWIN LAKES RD	NGUYEN PHUOC & YEN THIKIM T
25-20-29-501-0000-0230	LEG LOT 23 MYRTLE LAKE HILLS PB 13 PG 9	1000 TWIN LAKES RD	GUILLEMETTE ALBERT J