

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Cub Cove Water & Wastewater Construction MSBU – Dissolution/Repeal

DEPARTMENT: Fiscal Services **DIVISION:** MSBU Program

AUTHORIZED BY: Lisa H. Spriggs **CONTACT:** Kathy Moore **EXT.** 7179

Agenda Date <u>01/23/07</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Board approval and authorization for the Chairman to execute an Ordinance repealing Ordinance **2004-17** that created the Cub Cove Water & Wastewater MSBU.

BACKGROUND:

The CUB COVE WATER & WASTEWATER CONSTRUCTION MSBU was created by Ordinance 2004-17 to provide water distribution improvements within the unit. Following the preparation of final engineering and receipt of permit, the construction was posted for public bid. The resulting bids were significantly [80%] above the cost estimated obtained during the preliminary engineering phase of the project. One of the key factors in the price increase noted was the time delay between preliminary and final engineering. The time delay between these two phases was attributed to considerable difficulty in working with the FDEP through the permitting process. A second factor that impacted the cost variance was the escalating prices experienced in the construction market during the same time frame.

As a result of the increased cost, the properties included in the MSBU requested dissolution of the MSBU. Per MSBU Program guidelines, such consideration may be given when the project cost exceed the petitioned cost estimate by more than 20%. A public hearing is required to repeal or amend the existing Ordinance that set forth the governing parameters of the established MSBU.

Commission District 3.

Reviewed by:
Co Atty: <u>[Signature]</u>
DFS: _____
Other: _____
DCM: _____
CM: <u>[Signature]</u>
File No. <u>PFSM2</u>

AN ORDINANCE DISSOLVING THE CUB COVE WATER & WASTEWATER CONSTRUCTION MUNICIPAL SERVICES BENEFITS UNIT BY DELETING IN ITS ENTIRETY ARTICLE XIV OF CHAPTER 160 OF THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida on April 27, 2004, in enacting Article XIV of Chapter 160 of the Seminole County Code, created the Cub Cove Municipal Services Benefits Unit (MSBU) for the purpose of providing water service for drinking and household purposes and wastewater transfer within the Unit; and

WHEREAS, permitting delays for the project have resulted in significantly increased costs, exceeding the original cost estimate by more than twenty (20) percent; and

WHEREAS, as a result of the increased costs, the property owners within the Cub Cove Municipal Services Benefits Unit, have petitioned to dissolve the MSBU; and

WHEREAS, the costs for construction have not yet been incurred or assessed, and it is in the best interest of the property owners to dissolve the Cub Cove MSBU at this time,

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

Section 1. Dissolution. Article XIV of Chapter 160 of the Seminole County Code, known and referred to as the Cub Cove Water and Wastewater Construction Municipal Services Benefits Unit Ordinances, is hereby deleted in its entirety and the Cub Cove Water and Wastewater Construction MSBU is dissolved.

Section 2. 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 3. 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 shall not be codified.

Section 4. Effective date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

Carlton D. Henley, Chairman

AEC/ljp
11.1.06

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AN ORDINANCE CREATING THE CUB COVE WATER & WASTEWATER CONSTRUCTION MUNICIPAL SERVICES BENEFITS UNIT FOR THE PURPOSE OF PROVIDING WATER SERVICE FOR DRINKING AND HOUSEHOLD PURPOSES AND WASTEWATER TRANSFER WITHIN THE UNIT; PROVIDING BOUNDARIES OF SAID UNIT; PROVIDING FOR THE GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING THE METHOD FINANCING TO BE ADVANCED BY SEMINOLE COUNTY FROM COMMERCIAL LENDING SOURCES AND/OR MSBU PROGRAM FUNDS; PROVIDING FOR PAYMENT IN FULL OR TEN (10) ANNUAL INSTALLMENTS FOR CONSTRUCTION IMPROVEMENTS; PROVIDING THE ASSESSMENT FORMULA; PROVIDING A PRELIMINARY LIST OF ASSESSMENTS FOR ASSESSMENT AND COLLECTION BY THE UNIFORM METHOD PURSUANT TO SECTION 197.3632, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CODIFICATION, 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 Cub Cove Water & Wastewater Construction 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, 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,

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 Cub Cove Water & Wastewater Construction Municipal Services Benefits Unit Ordinance.

Section 2. Creating Unit; Improvements. There is hereby created within Seminole County, the Cub Cove Water & Wastewater Construction Municipal Services Benefits Unit for the purpose of providing water service for drinking and household purposes and wastewater transfer within the unit. Said unit shall encompass the following described area of Seminole County Florida:

The following properties along Cub Lake Drive and Cub Cove within Section 17, Township 21, Range 29, Seminole County, Florida. Parcels 17-21-29-5BG-0000-077A, 17-21-29-5BG-0000-0770, 17-21-29-5BG-0000-077B, 17-21-29-5BG-0000-0-77G, 17-21-29-5BG-0000-077D.

The improvements consist of providing a central water distribution system for drinking and household purposes, with no provision for irrigation or fire flows, and wastewater transfer through construction of a water and wastewater collection system within Cub Cove and Cub Lake Drive. Construction will include approximately six hundred linear feet (600') of a six inch (6") water line and eight hundred feet (800') for a wastewater conveyance system on Cub Cove Drive. This water and wastewater transmission system will provide potable water to each property owner's property line, and will include placement of individual pumping facilities for each user, along with a force main collecting the discharge from each pump facility and conveying the wastewater to the County facilities. The property owners will be responsible for the installation of the water service line from their property lines to their homes, and will be

responsible for maintenance of the individual pumping facilities. The program does not include water or wastewater connection fees, meter fees, account deposits, or service charges that must be paid prior to actually obtaining water service.

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 improvements within the unit.

(b) To provide for, or contract for, the engineering design, construction, and maintenance of the improvements as set forth in Section 2.

(c) To levy special assessments upon property abutting, adjoining, and contiguous to such improvement, when such property is specially benefited by such improvement.

(d) To levy special assessments upon any property which is specially benefited and abuts, adjoins, and is contiguous to, such improvements, but which may have been omitted from the hereinafter described preliminary 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 special assessments.

(e) To procure project financing from a commercial source as required by the administrative procedures for Municipal Services Benefits Units or from MSBU program funds.

Section 4. Interest and Administrative Costs. All property owners desiring to pay in ten (10) annual installments will be assessed interest at a projected rate of five and 69/100 percent (5.69%), and an administrative cost of ten percent (10%). Final interest rates are subject to financing from a commercial source as available.

Section 5. Assessment Formula. The assessment formula used to determine the amount to be assessed is the per parcel method.

Section 6. Preliminary List of Assessments. The amounts set forth in Exhibit "A" are preliminary assessments on the property being improved and are based on estimated costs of improvements detailed in Section 2 above.

Section 7. Method of Assessment and Collection. All special assessments which may result as herein provided for in Exhibit "A" shall be assessed and collected by the uniform method 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. 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 shall not be codified.

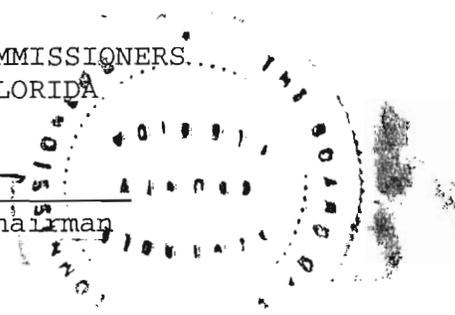
Section 10. Effective date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 27th day of April, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA



Daryl G. McLain, Chairman



AEC/lpk
12/10/03 2/27/04 3/31/04
ord cub cove msbu

Exhibit A

Exhibit A

Improvements:

1. Installation of a 6" water main along Cub Lake Drive and Cub Cove, approximately 600 feet with water service connection to lot line
2. Installation of a 4" line Sanitary Sewer conveyance system, approximately 800 feet inclusive of individual pumping facilities for each user and a force main collecting the discharge from each pump facility and conveying the wastewater to the County's facilities
3. Site preparation & Restoration to include clearing & tree removal, road restoration, fence removal & replacement, regrading and sodding

Estimated Cost of Improvements:

Estimated Total Construction, Engineering & Engineering Report \$ 96,495.00
Estimated Interest Charge, Administrative Fee, Tax Collector Fee \$ 44,818.56
Estimated Total Cost for proposed project \$141,313.56

Benefiting properties:

(a) Water & Sewer Improvements

- (1) 17-21-29-5BG-0000-0770
- (2) 17-21-29-5BG-0000-077B
- (3) 17-21-29-5BG-0000-077D

(b) Sewer Improvements

- (4) 17-21-29-5BG-0000-077A
- (5) 17-21-29-5BG-0000-077G

Estimated Total Cost Per Property

(a) Both Water Transmission Lines & Sanitary Sewer Improvements:

17-21-29-5BG-0000-0770, 17-21-29-5BG-0000-077D, AND 17-21-29-5BG-0000-077B

Estimated Upfront Total Property Owner Cost **\$25,173.00**

Estimated Annual assessment per Property/per Year: **\$ 3,343.00**
(financed for 10 years @ 5.69% Interest)

(b) Sanitary Sewer Only: 2 Lots to Benefit

17-21-29-5BG-0000-077A AND 17-21-29-5BG-0000-077G

Estimated Upfront Total Per Property: **\$15,397.00**

Estimated Annual assessment per Property/per Year: **\$ 2,051.00**
(financed for 10 years @ 5.69% Interest)