

ORDINANCE

AN ORDINANCE CREATING THE MIRROR LAKE AQUATIC WEED CONTROL MUNICIPAL SERVICES BENEFIT UNIT FOR THE PURPOSE OF PROVIDING AQUATIC WEED CONTROL TO THE LAKE AND CONNECTIVE WATERWAY AREAS 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 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 OCTOBER 24, 2006, 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 non-ad valorem assessments which result from enactment of this Ordinance may be adjusted annually due to addition of new parcels or due to fluctuations in operational expenses to maintain aquatic weed control; and

WHEREAS, the initial assessment per benefit unit, which represents eighteen months of service is \$260.00 as per cost details provided in Exhibit A; and

WHEREAS, it is anticipated that the annual assessments will adjust to a level that constitutes aquatic weed control maintenance of the lake areas, and that the annual assessment

will not exceed \$250.00 per benefit unit per year without approval support documented in advance through the standard petition process: and

WHEREAS, the MSBU Program working in conjunction with the Seminole County Stormwater Division will select the lake management service provider according to standard Purchasing and Contract provisions; and

WHEREAS, the MSBU Program working in conjunction with the Seminole County Stormwater Division will maintain decision making authority relative to initial aquatic weed control efforts, a voluntary group of community representatives selected by the participating property owners, consisting of at least 3, but no more than 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; and

WHEREAS, the MSBU Program working in conjunction with the Seminole County Stormwater Division will maintain decision making authority relative to on-going aquatic weed control efforts, the designated community representatives as previously defined will be given opportunity at least once a year, generally between January and March to contribute to the evaluation of lake conditions and formulation of the treatment plans proposed for the lake; and

WHEREAS, the scope of service for lake management will include routine site inspections and monitoring of lake condition, the County will provide advanced notification of scheduled site inspections to the designated community representatives for the purpose of encouraging participation by the designated community representative in these inspections and scheduled interactions with the contracted service provider; 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 Mirror Lake Aquatic Weed Control Municipal Services Benefit Unit Ordinance.

Section 2. CREATING UNIT; IMPROVEMENTS There is hereby created within Seminole County, the Mirror Lake Aquatic Weed Control Municipal Services Benefit Unit for the purpose of providing aquatic weed control to Mirror Lake within the unit. Said unit shall encompass and include improvements for aquatic weed control by chemical, biological or mechanical means. Said unit shall encompass the parcels listed in Exhibit B and located within unincorporated Seminole County, Florida:

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.

(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, 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.

Section 4. ADMINISTRATIVE COSTS. All property owners 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 aquatic weed control is one (1) benefit unit per parcel, with the exception of one parcel that abuts fifty percent (50%) of the lakefront. The exception parcel will be assessed twenty-seven (27) benefit units which is equivalent to fifty percent (50%) of the designated cost. A special assessment for the district shall be derived annually by dividing the total annual budgeted costs of the district by the number of benefit units in the district and assigning that cost to each parcel in the district. 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 operate, maintain and administer the District hereby created, and the County will be reimbursed to such extent at such time assessments are collected.

Section 6. LIST OF ASSESSMENTS FOR AQUATIC WEED CONTROL. The affected properties are identified in Section 2 and are listed in Exhibit B. Assessments may be adjusted annually. Assessments will be adjusted to include any new parcels derived from a property split within the said aquatic weed control district.

Section 7. METHOD OF ASSESSMENT AND COLLECTION. All non-ad valorem assessments which may result as herein provided for in Exhibit B 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 24th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: 
Carlton D. Henley, Chairman

BK0341 PG0433

Exhibit A

BK 0 3 4 | PG 0 4 3 4

Exhibit A

The requested aquatic weed control improvements for Mirror Lake may include:

- (1) Chemical,
- (2) Mechanical,
- (3) Biological, and/or
- (4) Other activities typically associated with on-going maintenance efforts to control aquatic weed growth.

The required treatments will vary annually and will necessitate variations in scheduling and assessment calculations based on nature of treatment required and cost factors. The cost of the required treatments in the initial years as the aquatic weed control efforts are implemented through the MSBU are expected to be greater than future year costs when maintenance treatments are anticipated. As lake conditions fluctuate, cost will vary.

The annualized cost expectations estimated for this district are as follows:

Monitoring, evaluation, treatments, financing	\$ 7,650.00
Administrative & Tax Collector Fees [10.05%]	<u>\$ 765.00</u>
Total Estimated expenses	\$ 8,415.00

The estimated assessment related to Aquatic Weed Control Improvements for the Mirror Lake Aquatic Weed Control MSBU in the initial year of assessment is \$260.00 per benefit unit. The estimated assessment is based on the expectation that the initial costs will be incurred in fiscal year 2007 with advanced funding being provided by MSBU Program fund allocation, followed by the initial assessment to property owners being levied on the 2007 Tax Bill. In addition to the standard administrative and tax collection fees, the assessments levied may include a repayment allocation for cost incurred during fiscal year 2007 or other subsequent years, a maintenance cost allocation, and an allocation for contingency and/or reserve for future needs.

The maximum allowed assessment per benefit unit per year for future years is \$250.00. Demonstration of district support, through the standard petition process is required prior to exceeding the \$250.00 per benefit unit per year limit.

Exhibit B

Exhibit B

The following parcels are included for cost share assessment in the Mirror Lake Aquatic Weed Control MSBU:

Parcel ID	Property Address	Owner Name
Exception parcel to be assessed 27 benefit units (equivalent to 50% of total cost):		
17-21-29-300-0010-0000	700 POST LAKE PL	ASLAN II/JUPITER LAKE LLC
Parcels to be assessed 1 benefit unit per parcel:		
17-21-29-300-0020-0000	NONE LISTED	FLA ASSN CONF 7TH DAY AVENTIST
17-21-29-508-0000-0130	733 OVERLOOK DR S	MUELLER SARAH J
17-21-29-508-0000-0150	801 OVERLOOK DR	TARR FRANCES E
17-21-29-509-0A00-0090	3635 LEOTA DR	SCHWERDT HENRY G
17-21-29-509-0A00-0100	901 SHEILA PL	MOLTMANN JUDITH
17-21-29-509-0A00-0110	905 SHEILA PL	COULTER LUCINDA A
17-21-29-509-0A00-0120	SHEILA PL	COULTER LUCINDA A
17-21-29-509-0A00-0130	913 SHEILA PL	CALLAWAY JOHN H & GRACE C
17-21-29-510-0A00-0090	3639 LAKEVIEW DR	SMITH BERNICE A
17-21-29-510-0B00-0120	3643 LAKEVIEW DR	LINAWEAVER M H & JUNE S
17-21-29-510-0B00-0110	3646 LAKEVIEW DR	O'NEILL MICHAEL & KEILTY SUSAN J
17-21-29-511-0B00-0010	3644 LAKE SHORE DR	CULMER JOHN M & PATRICIA &
17-21-29-511-0B00-0030	3640 LAKE SHORE DR	TUFFORD JAMES M & RENAE L
17-21-29-511-0B00-0040	3632 LAKE SHORE DR	NIEDERRITER KENNETH & JOANNE J
17-21-29-511-0B00-0050	3628 LAKE SHORE DR	BUCKNER WILLIE R & NAOMI E
17-21-29-511-0B00-0060	3624 LAKE SHORE DR	KOFFARNUS JAMES L & MARY P
17-21-29-511-0B00-0070	3620 LAKE SHORE DR	ERHARD JOHN & BARBARA
17-21-29-511-0B00-0080	1015 OAK LN	BROWN NANCY M
17-21-29-511-0B00-0090	3621 MIRROR LAKE DR	GRAVES BARBARA S
17-21-29-511-0B00-0100	3625 MIRROR LAKE DR	BROGAN ROSELEA R
17-21-29-511-0B00-0110	3629 MIRROR LAKE DR	OTT ANN C
17-21-29-511-0B00-0130	3633 MIRROR LAKE DR	MACFIE STEVEN K
17-21-29-511-0B00-0170	3633 MIRROR LAKE DR	VEGA JOSE O & VYETTE A
17-21-29-511-0B00-0180	3633 MIRROR LAKE DR	ADKINS OTTOE & TERRI M
17-21-29-511-0B00-0140	3633 MIRROR LAKE DR	KESSELRING RONALD B & MARGARET
17-21-29-511-0B00-0150	3633 MIRROR LAKE DR	MEINECKE HUGH & ANNE J
17-21-29-511-0B00-0160	3633 MIRROR LAKE DR	OWNER CONFIDENTIAL PER STATUES