



OFFICE OF COMPTROLLER

INTEROFFICE MEMO

ORANGE COUNTY FLORIDA

06-25-14 P03:13 IN

Martha O. Haynie, CPA
County Comptroller
Finance and Accounting Department
Special Assessments
PO Box 38
Orlando, FL 32802
Telephone: 407-836-5770
Fax: 407-836-5753

Date: June 24, 2014
To: Katie Smith, Deputy Clerk
Through: Cheryl Gillespie, Agenda Development
From: Margaret A. McGarrity, Chief Deputy Comptroller
Contact: Elizabeth Godwin, 407-836-5770
Subject: Request Number M14-041 for an MSBU for Derringer Drive - Waterside Estates Phase 1

06-25-14 A07:49 RCVD (with handwritten initials)

Applicant: Frank Yokiell, Orange County Public Works Traffic Engineering
Type of Hearing: To establish a Municipal Service Benefit Unit (MSBU) for one time only speed hump installation.
Hearing Required by F. S.# Florida Statute Sections 125.01 (01) (q) and 197.3632. This public hearing may be scheduled any time prior to May 31, 2015. The resolution must be approved by May 31, 2015 to be included on the November 2015 real estate tax bill.
Advertising Requirements / Timeframe: Publish only one (1) time and must be published at least twenty (20) days prior to the public hearing with the tentative advertisement date as Sunday - June 29, 2014 or July 6, 2014.
Notify Abutters: Special Assessments will mail public hearing notices to all of the affected property owners.
Estimated Time Required: One (1) minute
District: Commissioner Thompson, District 4
Hearing Controversial: No

08/05/14 @ 2pm

Report: The property owners and Orange County Public Works Traffic Engineering Department have requested the establishment of an MSBU for speed hump installation. A total of **28** ballots were mailed to property owners to determine majority opinion. Approximately **73%** of the ballots returned were in favor of the establishment of the MSBU. The ballot detail is as follows:

<u>In favor of the MSBU</u>	8
<u>Not in favor of the MSBU</u>	3
<u>Returned Undeliverable</u>	1
Returned After Deadline	0
No Ballot Submitted	<u>16</u>
Total Ballots Distributed	28

The one-time cost for this MSBU is **\$88.00** per lot. This MSBU would be effective **November 1, 2015**.

Materials being submitted as backup for public hearing request:

1. Resolution – one (1) copy of the proposed resolution for speed hump installation.

ADDITIONAL SPECIAL INSTRUCTIONS TO CLERK:

1. Notify Special Assessments Section / Finance and Accounting Department of public hearing date(s) to prepare public hearing notice. Special Assessments will e-mail the public hearing notice to the Clerk.
2. Copy distribution is noted on file folder(s) containing resolution(s) and / or agreement(s).
3. Mail the following documents to the Tax Collector, Property Appraiser, and Department of Revenue:
 - a. Certified copy of the adopted resolution(s)
 - b. Copy of the newspaper advertisements (entire page)
 - c. Certification or proofs of publication showing the dates of publication on form DR-413
4. **Send the original adopted resolution to the Special Assessments Section / Finance and Accounting Department.**

**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
ESTABLISHING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR INSTALLING SPEED HUMPS FOR**

**Derringer Drive
Waterside Estates Phase 1
11/2015**

WHEREAS, Section 125.01 (l) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Unit (hereinafter known as "MSBU") for any part of the unincorporated areas of Orange County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non ad-valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, (hereinafter known as the "Board"), is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, the County has received a request, in writing from the property owners of a portion of Waterside Estates Phase 1 subdivision for the establishment of such an MSBU to provide for the capital costs of installing speed humps by imposing special assessments against property benefited by the improvements in that portion of the unincorporated area of Orange County to be known as Waterside Estates Phase 1 subdivision and which is more fully described below; and

WHEREAS, the Board has, pursuant to notice duly given both by mail and by publication, held a hearing at which all interested persons who appeared were heard or given an opportunity to be heard as to (a) the desirability of undertaking the improvements hereinafter described, (b) the desirability of defraying the cost thereof through special assessments, (c) the amount by which each lot or parcel of real estate which is more fully described below will be benefited by the speed humps, and (d) the amount to be assessed against each benefited property; and

WHEREAS, the Board has determined that the request of the property owners of a portion of Waterside Estates Phase 1 subdivision, together with the other information pertaining to the speed humps, to be feasible, necessary to facilitate the services desired, and in the interest of the public health and safety, the improvements to a portion of Waterside Estates Phase 1 subdivision which is more fully described below should be made, and that the properties will be benefited, now and in the future, and that the MSBU should be created; and

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Creation of MSBU.

There is hereby established and created the **Derringer Drive - Waterside Estates Phase 1 11/2015 MSBU**, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes,

RECORDING DEPARTMENT: RETURN TO FINANCE AND ACCOUNTING SPECIAL ASSESSMENTS

the boundaries of which appear on the recorded plat of **Waterside Estates Phase 1** subdivision, Plat Book **48**, Pages **100 through 105**, Lots **1 through 11** and Lots **51 through 67**, Section **17**, Township **23**, Range **31**, Public Records of Orange County, Florida. The purpose of this MSBU is to provide for collection and disbursement by Orange County of such funds as may be necessary to reimburse Orange County for expenditures made for installing speed humps in a portion of Waterside Estates Phase 1 subdivision. It is understood and agreed that this MSBU is created solely for the purpose of payment to cover the costs associated with installing the speed humps in a portion of Waterside Estates Phase 1 subdivision.

Section 2. The Project.

(a) Nature of Improvement. The following project to be paid for (either partially or in full) from special assessment proceeds is installing **3 (three) speed humps** in a portion of Waterside Estates Phase 1 subdivision in accordance with the Resolution approved by the Orange County Board of County Commissioners on April 15, 1994.

(b) Location of Project. These improvements in a portion of Waterside Estates Phase 1 subdivision shall be made on Derringer Drive between the Park to the West and Lot 3 to the North. The locations have been determined by the Orange County Public Works Traffic Engineering Department.

(c) Estimated Capital Cost. The estimated capital cost of installing the 3 (three) speed humps is **\$9,000.00 with Orange County paying 50% - \$4,500.00; District 4 Commissioner paying 25% - \$2,250.00; and the property owners shown in Exhibit "A" of this resolution paying 25% - \$2,250.00.**

Section 3. Assessments.

(a) Portion of Capital Costs Paid by Assessments. Of the total estimated capital cost for installing speed humps in Section 2 (c), **\$2,250.00** shall be paid from the proceeds of the special assessments. The proceeds of the special assessments shall reimburse the County for cost paid out of the **Public Works Traffic Calming Program**.

(b) Manner of Assessment; Declaration of Benefit. All benefited property shall be assessed a one-time special assessment of **\$88.00** per lot in a portion of Waterside Estates Phase 1 subdivision. This one-time special assessment includes a portion of the capital cost of installation and administrative fees. The Board hereby declares that such method of special assessment is proportionate to and not in excess of the special benefits to be derived by each benefited property from installing 3 (three) speed humps.

(c) One Time Assessment. Assessments will be a one-time special assessment, which includes administration fees. The non-ad valorem special assessment is levied for the first and only time as of **November 1, 2015**.

(d) Collection of Annual Installments. It is the intent of Orange County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Sections 197.3632 and 197.3635, Florida Statutes, grants, shall be used for collecting the non-ad valorem special assessments. One and one half dollars (\$1.50) for each lot or parcel of land shall be added by the Board to cover the costs of administering the MSBU and the total amount so determined shall be specifically assessed against the real property of the freeholders in the MSBU as provided

hereafter. An additional amount will be added to provide for reimbursement of necessary administrative costs incurred by the Property Appraiser and Tax Collector for the collection of non-ad valorem special assessments subject to the provisions of Section 197.3632, Florida Statutes.

Section 4. Assessed Lands; Individual Assessments.

The specific properties benefited by installing these speed humps and the special assessment imposed on each of them are the boundaries of which appear on the recorded plat of Waterside Estates Phase 1 subdivision, Plat Book 48, Pages 100 through 105, Lots 1 through 11 and Lots 51 through 67, Section 17, Township 23, Range 31, Public Records of Orange County, Florida. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU non-ad valorem special assessments.

After adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as a Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, said Board of County Commissioners shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessment shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County taxes. Said non-ad valorem special assessment, when collected by the Tax Collector shall be remitted to said Board, who shall deposit the same in such depository as shall be designated by the Board. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for having a non-ad valorem special assessment roll made and extended. The Tax Collector's office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

Section 5. Termination of MSBU.

Upon final payment of this one time only non-ad valorem special assessment, this MSBU shall automatically terminate.

Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County.

The Board of County Commissioners shall be the governing Board of said Municipal Service Benefit Unit.

ADOPTED THIS _____ DAY OF _____, 2014

ORANGE COUNTY, FLORIDA

BY: _____
ORANGE COUNTY MAYOR

DATE: _____

ATTEST: Martha O. Haynie, County Comptroller
as Clerk of the Board of County Commissioners

BY: _____
DEPUTY CLERK

Derringer Drive
Waterside Estates Phase 1
Exhibit A

Assessment Number	Parcel ID Number / Legal Description	Property Owner(s)	Total Assessment
01	17-23-31-2230-00-010 WATERSIDE ESTATES PH 1 48/100 LOT 1	BAWTINHIMER JONATHAN E 140 HANNAH RD DALEVILLE AL 36322	88.00
02	17-23-31-2230-00-020 WATERSIDE ESTATES PH 1 48/100 LOT 2	CASTRO PERFECTO M 10761 DERRINGER DR ORLANDO FL 32829	88.00
03	17-23-31-2230-00-030 WATERSIDE ESTATES PH 1 48/100 LOT 3	SANDERS JAHNELLE 10755 DERRINGER DR ORLANDO FL 32829	88.00
04	17-23-31-2230-00-040 WATERSIDE ESTATES PH 1 48/100 LOT 4	MALDONADO MARISOL 10749 DERRINGER DR ORLANDO FL 32829	88.00
05	17-23-31-2230-00-050 WATERSIDE ESTATES PH 1 48/100 LOT 5	LOPEZ JOSEPH D 10743 DERRINGER DR ORLANDO FL 32829	88.00
06	17-23-31-2230-00-060 WATERSIDE ESTATES PH 1 48/100 LOT 6	WALLACE EDWARD 10066 IVERSON DR ORLANDO FL 32832	88.00
07	17-23-31-2230-00-070 WATERSIDE ESTATES PH 1 48/100 LOT 7	MASCARI CHRISTINA M MASCARI JASON A 10731 DERRINGER DR ORLANDO FL 32829	88.00
08	17-23-31-2230-00-080 WATERSIDE ESTATES PH 1 48/100 LOT 8	GLANOWSKI ROBERT JOHN 10725 DERRINGER DR ORLANDO FL 32829	88.00
09	17-23-31-2230-00-090 WATERSIDE ESTATES PH 1 48/100 LOT 9	MARTINEZ MIGUEL E MARTINEZ JUDITH 10719 DERRINGER DR ORLANDO FL 32829	88.00

Derringer Drive
Waterside Estates Phase 1
Exhibit A

Assessment Number	Parcel ID Number / Legal Description	Property Owner(s)	Total Assessment
10	17-23-31-2230-00-100 WATERSIDE ESTATES PH 1 48/100 LOT 10	FESSLER STEPHANIE PO BOX 878 RIDGELY MD 21660	88.00
11	17-23-31-2230-00-110 WATERSIDE ESTATES PH 1 48/100 LOT 11	RAMNARAIN SURAJ 10707 DERRINGER DR ORLANDO FL 32829	88.00
12	17-23-31-2230-00-510 WATERSIDE ESTATES PH 1 48/100 LOT 51	MELENDEZ MARIA DEL MAR MELENDEZ JONATHAN 119 BALTZELL AVE FORT BENNING GA 31905	88.00
13	17-23-31-2230-00-520 WATERSIDE ESTATES PH 1 48/100 LOT 52	WERMERS KATTI M WERMERS BRIAN R 10518 DERRINGER DR ORLANDO FL 32829	88.00
14	17-23-31-2230-00-530 WATERSIDE ESTATES PH 1 48/100 LOT 53	SWAN BRYAN RICHARD SWAN AUDRA LEIGH 10524 DERRINGER DR ORLANDO FL 32829	88.00
15	17-23-31-2230-00-540 WATERSIDE ESTATES PH 1 48/100 LOT 54	MCCONNELL BRIAN 10530 DERRINGER DR ORLANDO FL 32829	88.00
16	17-23-31-2230-00-550 WATERSIDE ESTATES PH 1 48/100 LOT 55	FISHER PAMELA 10554 DERRINGER DR ORLANDO FL 32829	88.00
17	17-23-31-2230-00-560 WATERSIDE ESTATES PH 1 48/100 LOT 56	RAMOS VICENTE 10560 DERRINGER DR ORLANDO FL 32829	88.00
18	17-23-31-2230-00-570 WATERSIDE ESTATES PH 1 48/100 LOT 57	BEETER RONDA L BEETER JOHN P 10718 DERRINGER DR ORLANDO FL 32829	88.00
19	17-23-31-2230-00-580 WATERSIDE ESTATES PH 1 48/100 LOT 58	CISERANO THOMAS 10724 DERRINGER DR ORLANDO FL 32829	88.00
20	17-23-31-2230-00-590 WATERSIDE ESTATES PH 1 48/100 LOT 59	DAY ROCCO L 10730 DERRINGER DR ORLANDO FL 32829	88.00
21	17-23-31-2230-00-600 WATERSIDE ESTATES PH 1 48/100 LOT 60	STEMERMAN CHARLEEN K 10736 DERRINGER DR ORLANDO FL 32829	88.00
22	17-23-31-2230-00-610 WATERSIDE ESTATES PH 1 48/100 LOT 61	BRADDY GLENN E BRADDY SALLY 10742 DERRINGER DR ORLANDO FL 32829	88.00
23	17-23-31-2230-00-620 WATERSIDE ESTATES PH 1 48/100 LOT 62	WOODS RYAN 10748 DERRINGER DR ORLANDO FL 32829	88.00

Derringer Drive
Waterside Estates Phase 1
Exhibit A

Assessment Number	Parcel ID Number / Legal Description	Property Owner(s)	Total Assessment
24	17-23-31-2230-00-630 WATERSIDE ESTATES PH 1 48/100 LOT 63	LONGO RAFAEL V 10760 DERRINGER DR ORLANDO FL 32829	88.00
25	17-23-31-2230-00-640 WATERSIDE ESTATES PH 1 48/100 LOT 64	PALOMO NIDIA Y BLANCO SANDRA M 10766 DERRINGER DR ORLANDO FL 32829	88.00
26	17-23-31-2230-00-650 WATERSIDE ESTATES PH 1 48/100 LOT 65	WARD JUSTIN 10778 DERRINGER DR ORLANDO FL 32829	88.00
27	17-23-31-2230-00-660 WATERSIDE ESTATES PH 1 48/100 LOT 66	OWENS CARLOTTA A 10784 DERRINGER DR ORLANDO FL 32829	88.00
28	17-23-31-2230-00-670 WATERSIDE ESTATES PH 1 48/100 LOT 67	BISHOP MICHAEL 10806 DERRINGER DR ORLANDO FL 32829	88.00