

BCC Mtg. Date: Apr. 5, 2016

**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
AMENDING AND RESTATING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR MAINTENANCE OF
RETENTION POND(S)
IN**

**Summerlake Area
11/2016**

**with County Dedicated Ponds and
with County Ponds that have
Homeowner Association Dedicated Easements**

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (the "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 (the "Board") is the governing board of Orange County, Florida (the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated May 5, 2015, the Board established the Summerlake Area 11/2015 Municipal Service Benefit Unit (the "MSBU") for maintenance of retention ponds (the "Resolution)", said Resolution being recorded in Official Records Book 10921, Pages 0088 through 0094, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from Michael Moser of SLV Summerlake, LLC and Patrick Rob Bonin of Lennar Homes, LLC, (the "Developers") for the amendment of such an MSBU in that portion of the unincorporated area of Orange County to be known as Summerlake Area which consists of subdivisions as shown in **Exhibit "A"** of this resolution and which are more fully described as shown in Exhibit "A" of this resolution; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described as shown in Exhibit "A" of this resolution to provide for maintenance of the county-dedicated retention ponds located on Tracts SW-1, SW-2, SW-3, SW-4, SW5, SW-6, SW-11, SW-12 and SW-16 (Stormwater Tracts) located in Summerlake PD Phase 1A which are dedicated in fee simple to Orange County without any restrictions whatsoever, Public Records of Orange County, Florida as requested by the Developer. **As stated in the Surveyor's Notes 12 of Plat Book 74, Page 18 for Summerlake PD Phase 1A "Tracts SW-1, SW-2, SW-3, SW-4, SW-5, SW-6, SW-11, SW-12 and SW-16, Stormwater Tracts, shall be owned by Orange County. An Easement for the aesthetic maintenance of Tracts SW-1, SW-2, SW-3, SW-4, SW-5, SW-6, SW-11, SW-12 and SW-16, Stormwater Tracts, is hereby reserved other the entirety of said Tracts in favor of the Association pursuant to the Declaration (see sheets 4, 5, 7, 8, 9, 11, 14, 15, 18 and 21)";** together with the other

RECORDING DEPARTMENT: RETURN TO FINANCE & ACCOUNTING SPECIAL ASSESSMENTS

information pertaining to the operation of the proposed MSBU submitted therewith, the Board has determined that the amendment of the MSBU to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties within Summerlake subdivisions as shown in Exhibit "A" of this resolution will be benefited, now and in the future, and that the proposed MSBU should be amended; and

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

1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of the resolution.
2. The **Summerlake Area 11/2015** Resolution for maintenance of retention ponds, which is recorded in Official Records Book **10921**, Pages **0088 through 0094**; Public Records of Orange County, Florida, is hereby amended as the **Summerlake Area 11/2016** MSBU, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes This MSBU is to combine and include said subdivisions as shown in Exhibit "A" of this resolution, the boundaries, plat books and pages, sections, townships, ranges and lots as shown in **Exhibit "A"** of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention ponds located on the Tracts as shown in **Exhibit "B"** of this resolution for the Summerlake subdivisions as shown in Exhibit "A" of this resolution, which ponds have been dedicated to Orange County on the plats thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer understands that this MSBU is created solely for the purpose of maintaining the retention ponds located on the Tracts as shown in Exhibit "B" of this resolution for the subdivisions as shown in Exhibit "A" of this resolution, and that no other ponds or infrastructure improvements located within the Summerlake subdivisions as shown in Exhibit "A" of this resolution may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU.
3. The County shall perform or cause to be performed minimum maintenance services in the retention pond areas, which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention ponds. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.
4. Upon completion of construction of the retention ponds and the placement of those ponds into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention ponds in the MSBU. This non-ad valorem special assessment is levied for the first time as of **November 1, 2016**, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special assessment by twenty percent (20%) each and every year thereafter to any affected property based on the benefit, which the Board will provide or has provided to the property with the revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Section 197.3632, 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 specially assessed against the real property of the freeholders in the

MSBU as provided hereafter. Additional amounts 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 provision of Section 197.3632, Florida Statutes, and for the establishment and maintenance of a reserve for cash balance for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenue for that year are expected to be available and a cash reserve for periodic major repairs and improvements to the retention pond(s). Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming. The County may spend from its general 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 as such non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the establishment and maintenance of an appropriate reserve for cash balance, is **\$98,945.00**, and the estimated annual non-ad valorem special assessment to each freeholder is **\$77.00**. Proceeds of collection of such non-ad valorem special assessments as provided hereinafter are to be put into a special revenue fund of the County to the credit of the MSBU, and are to be used only by the district as provided herein.

5. Upon completion of construction of the retention ponds and the placement of those ponds into operation, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessments in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the maintenance of the retention pond(s) and the administration of the MSBU. Such sums shall be assessed against the real property of each individual freeholder on a pro rata basis, and not on an ad valorem basis, so that each freeholder shall, at all times, pay an equal amount toward such maintenance. After the 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 the 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 shall certify said 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 assessments 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 ad valorem taxes. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of 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.

6. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes. The Board authorizes utilization of this Uniform Method of collection for all affected parcels. The non-ad valorem special assessment will be listed on the non-ad valorem special assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment,

issuance of and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

7. 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.

8. 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.

9. It is understood and agreed between the County and the Developer that (if applicable) as the Summerlake subdivisions as shown in Exhibit "A" of this resolution expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, may be permitted to join into this Resolution under the same terms and conditions as represented herein, by presenting an appropriate amendatory resolution to the Board for consideration.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

11. This resolution which amends and restates the resolution recorded in Official Records Book 10921, Pages 0088 through 0094, is controlling and supersedes the resolution recorded in Official Records Book 10921, Pages 0088 through 0094, Public Records of Orange County, Florida.

ADOPTED THIS _____ DAY OF APR 05 2016, 2016

ORANGE COUNTY, FLORIDA

BY: *Bill Daley*
ORANGE COUNTY MAYOR

DATE: 4.8.16



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

BY: *Katell Smith*
DEPUTY CLERK

Summerlake Area 11/2016
Subdivisions
Exhibit "A"

Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units	Lot Count
Summerlake PD Phase 1A	74/16-38	27-23-27 28-23-27 33-23-27 34-23-27-8315	Lots 1-20 Block A Lots 1-45 Block B Lots 1-9 Block C Lots 1-17 Block D Lots 1-17 Block E Lots 1-17 Block F Lots 1-18 Block G Tract-C1 Commercial Tract FD-7 Tract FD-8 Tract FD-9 Tract FD-10 Tract FD-11 Tract FD-12 Tract FD-13 Tract FD-14 Tract FD-15 Tract FD-16 Tract FD-17 Tract FD-18 Tract FD-19 Tract FD-20 FD- Future Development	20 45 9 17 17 17 18 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Block H, Summerlake PD Phase 1B - A Replat	76/91-92	34-23-27-0555	Lots 1-20	20
Block L, Summerlake PD Phase 1B - A Replat	78/68-69	34-23-27-0558	Lots 1-16	16
Block P, Summerlake PD Phase 1B - A Replat	77/95-96	28-23-27-0563	Lots 1-30	30
Block S, Summerlake PD Phase 1B - A Replat	78/42-43	28-23-27-0566	Lots 1-7	7
Block T and U, Summerlake PD Phase 1B - A Replat	78/44-46	27-23-27 28-23-27-0567	Lots 1-20 Block T Lots 1-40 Block U	20 40
Block J, Summerlake PD Phase 1B - A Replat	79/80-81	34-23-27-0557	Lots 1-23	23
Block K, Summerlake PD Phase 1B - A Replat	79/82-85	33-23-27-0556 34-23-27	Lots 1-53	53
Block K, Summerlake PD Phase 1B and 2A, Second Replat	81/03-04	33-23-27-0564	Lots 54-61	8
Block I, Summerlake PD Phase 1B - A Replat	80/144-145	34-23-27-0560	Lots 1-22	22
Block M, Summerlake PD Phase 1B - A Replat	79/2-3	33-23-27-0559 34-23-27	Lots 1-18	18
Block N, Summerlake PD Phase 1B - A Replat	80/146-147	33-23-27-0561 34-23-27	Lots 1-30	30
Block O, Summerlake PD Phase 1B - A Replat	81/01-02	33-23-27-0562	Lots 1-14	14
Summerlake PD Phase 2A and 2B	78/72-77	28-23-27-8316 33-23-27	Lot 29 Block K Lot 11-17 Block Q Lot 54 Block Q Lot 12-21 Block R Lot 8 Block S Lots 1-26 Block V Lots 21A-26A Block V	0 7 0 10 1 26 6

Summerlake Area 11/2016
Subdivisions
Exhibit "A"

Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units	Lot Count
			Lots 1-7 Block W Lots 1-8 Block X	7 8
Block Q, Summerlake PD Phase 1B – A Replat	81/30-31	28-23-27-0565	Lots 1-10 Block Q	10
Block R, Summerlake PD Phase 1B – A Replat	81/134-135	28-23-27-0568	Lots 1-11 Block R	11
Isles of Lake Hancock Phase 3E	82/49-50	28-23-27-2745	Lots 78 and 79	2
Summerlake PD Phases 2C, 2D, 2E	83/145-161	28-23-27-8317 33-23-27	Lots 8-21 Block W Lots 9-32 Block X Lots 1-20 Block Y Lots 1-30 Block Z Lots 1-60 Block AA Lots 1-38 Block BB Lots 1-55 Block CC Lots 1-28 Block DD Lots 1-22 Block EE Lots 1-18 Block FF Lots 1-11 Block GG Lots 1-8 Block HH Lots 1-9 Block II Lots 1-6 Block JJ Tract FD-1A Block HH Tract FD-1B Block II Tract FD-2 Block JJ FD - Future Development	14 24 20 30 60 38 55 28 22 18 11 8 9 6 0 0 0
Isles of Lake Hancock Phase 2	48/6-11	27-23-27-2740 28-23-27	Tract I and Tract J	1
Summerlake PD Phase 3A	84/97-102	28-23-27-8318	Lots 10-14 Block II Lots 7-22 Block JJ Lots 1-20 Block KK Lots 1-27 Block LL Lots 1-6 Block MM Lots 1-7 Block NN Lots 1-4 Block OO	5 16 20 27 6 7 4
Summerlake PD Phase 3B	85/143-148	28-23-27-8319	Lots 12-16 Block GG Lots 9-21 Block HH Lots 15-23 Block II Lots 7-10 Block MM Lots 8-18 Block NN Lots 5-16 Block OO Lots 1-19 Block PP Lots 1-24 Block QQ Lots 1-14 Block RR Lots 1-14 Block SS Lots 1-7 Block TT Lots 1-5 Block UU Lots 1-5 Block VV	5 13 9 4 11 12 19 24 14 14 7 5 5
Summerlake PD Phase 3C	86/80-83	28-23-27-8320	Lots 17-47 Block GG Lots 8-14 Block TT Lots 6-32 Block UU Lots 6-21 Block VV	31 7 27 16
Summerlake PD Phase 4A	87/96-101	33-23-27-8321	Lots 1-100	100

Summerlake Area 11/2016
Subdivisions
Exhibit "A"

Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units	Lot Count
2016 Total				1,285

Summerlake Area 11/2016
Ponds
Exhibit "B"

Subdivisions	Plat Books/ Pages	Section Township Range Subcode	Retention Pond (Stormwater) Tracts	Tract Acreage
SummerLake PD Phase 1A	74/16-38	27-23-27 28-23-27 33-23-27 34-23-27-8315	Tract SW-1	6.14
			Tract SW-2	2.26
			Tract SW-3	2.53
			Tract SW-4	5.13
			Tract SW-5	3.18
			Tract SW-6	5.11
			Tract SW-11	5.84
			Tract SW-12	1.01
Summerlake PD Phase 2A and 2B	78/72-77	28-23-27-8316 33-23-27	Tract SW-16	4.04
			Tract SW-17	1.38
Summerlake PD Phases 2C, 2D, 2E	83/145-161	28-23-27-8317	Tract SW-8	0.75
			Tract SW-13	2.58
			Tract SW-15	3.44
			Tract SW-16	2.303
			Tract SW-17	0.89
			Tract SW-18	0.17
Summerlake PD Phase 3A	84/97-102	28-23-27-8318	Tract SW-16A	0.314
Summerlake PD Phase 4A	87/96-101	33-23-27-8321	Tract SW-9	1.91