RESOLUTION NO. 91-X-21

RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO A WAIVER OF PREPAYMENT OF TAXES PRIOR TO RECORDATION OF A PLAT FOR THAT PORTION OF PROPERTY BEING SUBDIVIDED WHICH CONTAINS DEVELOPED ACREAGE; PROVIDING FOR A CORRESPONDING WAIVER OF PREPAYMENT OF TAXES FOR A VACATION OF PLAT REQUESTED AND APPROVED SIMULTANEOUSLY WITH ANY SUCH SUBDIVISION REQUEST AND APPROVAL; ALTERNATIVELY, PROVIDING FOR A LETTER OF CREDIT IN LIEU OF CASH ESCROW AS SUFFICIENT ASSURANCE OF PREPAYMENT OF TAXES PRIOR TO PLAT OR VACATION APPROVAL OF DEVELOPED OR UNDEVELOPED PROPERTY.

WHEREAS, the County desires to broaden the scope of sureties which are deemed to be "sufficient assurance" that prepayment of taxes will occur prior to recordation of plat, which "sufficient assurance" is required pursuant to Laws of Fla., Ch. 59-1646, Section 8, Section 9; as amended by Laws of Fla., Ch. 59-1658, Section 1, as codified in Article IV, Section 30-118(7)(c) (formerly Section 32-6 of the 1965 Code);

WHEREAS, the County further desires to broaden the scope of sureties necessary to assure that prepayment of taxes will occur prior to approval of a plat vacation, as required by Laws of Florida, Chapter 59-1646, Section 10; Laws of Florida, Chapter 59-1658, Section 2, as codified in Section 30-120(3) of the Orange County Code (previously Section 32-8 of the 1965 Code);

WHEREAS, the County finds that the aforesaid provisions can be broadened without necessity of repealing said Special Laws as cited above;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Orange County, Florida, that:

A letter of credit in the amount of 125% of the next previous years taxes assessed against the entire acreage being platted or vacated, which letter of credit is acceptable to Orange County staff, shall be "sufficient assurance" of prepayment of taxes as required by Section
30-118(c) of the Orange County Code (plat approval) or
Section 30-120(3) of the Orange County Code for (approval of
a plat vacation). Said letter of credit shall be collected
upon in the event taxes for the property being subdivided
become delinquent.

PROVIDED FURTHER THAT prepayment of taxes via cash escrow
or a letter of credit acceptable to county staff, either of
which shall be in the amount of 125% of the next previous
years taxes owed on the undeveloped lots contained within the
total acreage being platted, shall be "sufficient assurance"
of prepayment under Section 30-118(c) of the Orange County
Code to allow for final plat approval. Said prepayment would
also be "sufficient assurance" as required by Section
30-120(3) of the Orange County Code to allow for any plat
vacation which is requested and approved simultaneously with
a replat request and approval. Any such prepayment on
undeveloped lots shall result in a waiver of prepayment
requirements for Developed Lots contained within the acreage
being platted. A "Developed Lot(s)" shall be defined as a
fully developed parcel wherein there exists one or more
properly permitted building(s) which have a certificate of
occupancy and are currently occupied and/or used for
commercial storage purposes.

Effective Date. This resolution shall become effective
upon the date of passage.

ADOPTED this 4th day of June, 1991.

ORANGE COUNTY, FLORIDA

BY: /s/Vera B. Carter
County Chairman

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

BY: /s/Mary J. Harrison
Deputy Clerk

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