RESOLUTION NO. 92-M-26

A RESOLUTION REPEALING RESOLUTION NO. 91-M-37 WHICH ESTABLISHED ORANGE COUNTY MSTU RESOLUTION FOR IMPROVEMENTS TO DARLENE/KILGORE ROAD.

WHEREAS, on September 1, 1992, the Board of County Commissioners conducted a public hearing pursuant to Section 197.3632(4) to consider adjustments to individual properties affected by the non-ad valorem assessment established through Resolution 91-M-37 prior to adopting the non-ad valorem assessment roll; and

WHEREAS, at the public hearing the Board of County Commissioners, upon the advice of County staff, determined the road improvement project as designed was not desirable, and therefore instructed County staff to cease work on the road improvement project; and

WHEREAS, since the road improvement project has been cancelled, there is no need to pursue a funding mechanism to finance the project.

NOW, 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 this Resolution.

2. Resolution 91-M-37 which established the Darlene Drive/Kilgore Road MSTU/BU and was recorded in Official Records Book 4314, Pages 4859 through 4875, is hereby repealed. A copy of Resolution 91-M-37 is attached hereto as Exhibit "A".

3. Any funds which were collected by or prepaid to the County pursuant to the MSTU established by Resolution 91-M-37 shall be refunded to the payor.
ADOPTED THIS 1ST DAY OF SEPTEMBER, 1992.

ORANGE COUNTY, FLORIDA

BY: [Signature]
For the County Chairman

DATE: SEP 01 1992

ATTERT: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

[Signature]
Asst. Deputy Clerk
RESOLUTION NO. 91-M-37

ORANGE COUNTY MSTU RESOLUTION FOR IMPROVEMENTS TO DARLENE DRIVE/KILGORE ROAD.

WHEREAS, the Board of County Commissioners of Orange County ("Board") hereby finds and declares that, in the interest of the public health and safety, the improvements to Darlene Drive/Kilgore Road described below should be made; and

WHEREAS, the Board is authorized by Section 125.01(1)(q), Florida Statutes, and Chapter 17, Article VI, of the Orange County Code to provide for the capital costs of those road improvements by imposing special assessments against property benefited by the improvements; and

WHEREAS, this 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 (i) the desirability and necessity of undertaking the improvements hereinafter described, (ii) the desirability and necessity of a levy and provision for defraying the cost of such improvements through special assessments, (iii) the amount by which each lot or parcel of real estate referred to below will be benefited by such improvements, and (iv) the amount to be assessed against each benefited property; and

WHEREAS, the Board intends now to create an MSTU (Municipal Service Taxing/Benefit Unit as set forth in Section 125.01(1)(q), Florida Statutes), impose special

MARTHA O. HAYNE, Comptroller

EXHIBIT "A"
assessments within it, and utilize the Uniform Method pursuant to Chapter 197.3631, et seq., Florida Statutes for collection.

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

Section 1. The foregoing "WHEREAS" clauses are presumed to be true and correct and are hereby incorporated into the text of this Resolution.

Section 2. Creation of MSTU; Imposition of Assessments, Method of Collection. The Board hereby creates an MSTU for the purpose of providing those improvements listed in Section 3(a) below to Darlene Drive/Kilgore Road and imposes the non-ad valorem special assessments described below against all benefited properties, a list of which is contained in Exhibit "A". It is the intent of the Board that the Uniform Method for levy, collection and enforcement of non-ad valorem assessments, as Section 197.3631, et seq., Florida Statutes, grants, shall be sued for collecting these non ad valorem assessments.

Section 3. The Project.

(a) Nature of Improvement. The project to be paid for (either partially or in full) from special assessment proceeds is Paving and Drainage Improvements.

(b) Location of Project. These improvements to Darlene Drive/Kilgore Road shall be made from the paved portion of
Darlene Drive to the south to the paved portion of Kilgore Road to the north.

(c) Estimated Cost. The estimated capital cost of the improvements is $590,500.00 plus county administrative expenses.

Section 4. Assessments.

(a) Portion of Capital Cost Paid by Assessments. Of the total estimated capital cost in Section 3(c), $295,250.00 shall be paid from the proceeds of special assessments. The balance of the cost shall be paid by Orange County.

(b) Manner of Assessment: Declaration of Benefit. All benefited property shall be assessed at the rate of $652.63 per acre and the Board hereby declares that such method of assessment is proportionate to and not in excess of the special benefits to be derived by each benefited property from the road improvements.

(c) Annual Installments: Interest. Assessments may be paid over five (5) years in equal annual installments as provided in Section 17-344 of the Orange County Code and shall bear interest at the rate of ten (10) percent per annum as provided in Section 17-349 of the Code. The first installment shall be due and payable with the 1992 Tax Bill.

(d) Collection of Annual Installments. The Board hereby expresses its intent to use and authorizes the use of the Uniform Method pursuant to Chapter 197, Florida Statutes, for
the collection of the annual installments of the non ad valorem special assessments imposed by this Resolution for the period of years stated in subsection (c) above.

Section 5. Assessed Lands: Individual Assessments. The specific properties benefited by these road improvements and the assessments imposed on each of them are shown in Exhibit "A" to this Resolution.


(a) All proceeds of special assessments imposed by this Resolution may be used either to pay directly the cost of the stated improvements or to reimburse the County for expenditures made for such improvements.

(b) Upon final payment of all assessments plus accrued interest, this MSTU shall stand abolished.


ORANGE COUNTY, FLORIDA

BY: Thomas A. Staley

County Chairman

FOR THE COUNTY CHAIRMAN

DATE: July 2, 1991

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

PHC284 07/25/91 -4- OR4314 PG4862
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