

~~AUG 24 1999~~ AA/BS

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding

ESTABLISHING A MUNICIPAL SERVICE TAXING
UNIT/BENEFIT UNIT FOR LANDSCAPE IMPROVEMENTS
AND MAINTENANCE FOR A PORTION OF
APOPKA-VINELAND ROAD AREA

Resolution No. 99- M-20

WHEREAS, Chapter 125.01(1)(q), Florida Statutes, grants Orange County the power to establish Municipal Service Taxing Unit/Benefit Units (hereinafter known as the "MSTU/BU") for any part of the unincorporated areas of Orange County; and

WHEREAS, the Board of County Commissioners of Orange County (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 from interested individuals for the establishment of such an MSTU/BU in that portion of the unincorporated area of Orange County and which is more fully described in Exhibits "A" and "B"; and

WHEREAS, the Board has caused ballots to be mailed to owners of the affected parcels and the majority of responses received by the Board are in favor of imposing the MSTU/BU; and

WHEREAS, the Board intends, prior to collecting the actual assessment to each affected parcel hereunder, to require the establishment of a not-for-profit corporation, referred to herein as the Apopka-Vineland Road Landscape Maintenance Committee (hereinafter known as the "Committee"), whose function will be to oversee the day-to-day operations of the landscape maintenance and periodically submit the working budget of such operations to the Board for authorization; and

WHEREAS, the Board has determined that the establishment of an MSTU/BU, the purpose of which is to provide for maintenance of landscaping, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties within the Apopka-Vineland Road Area MSTU/BU will be benefited, now and in the future, and that the proposed MSTU/BU should be created.

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

1. The foregoing recitals are presumed to be true and correct and are hereby incorporated into the text of the resolution.

2. There is hereby established and created the Apopka-Vineland Road Landscape Maintenance MSTU/BU, (hereinafter referred to as the "MSTU/BU") the boundaries of which are shown in Exhibit "A" and the subdivisions and the legal parcel identification numbers of which are shown in Exhibit "B". Exhibits "A" and "B" are attached hereto and are incorporated herein by this reference. The purpose of the MSTU/BU is to provide for the collection and disbursal by Orange County of such funds as may be necessary for the recurring landscape maintenance services to be performed in the MSTU/BU annually for the landscaping for the right-of-way of Apopka-Vineland Road approximately one half (1/2) mile north of Conroy-Windermere Road and continuing north to Old Winter Garden Road (hereinafter known as the "R.O.W."). The Board expressly intends that the MSTU/BU provide revenue for landscape maintenance of only those portions of the R.O.W. which are not paved. The funds the County supplies for the maintenance contemplated by this resolution shall be drawn from the revenue received through the special assessments imposed by the MSTU/BU and from any other funds of Orange County committed to landscape maintenance by the MSTU/BU area, as approved by the Board. In no event, however, shall Orange County provide the funding for more than 50% of the cost required for maintenance of the R.O.W. landscaping. This MSTU/BU is created solely for the purpose of maintaining said non-paved portions of R.O.W., and no other areas or infrastructure improvements located within Orange County shall be maintained, constructed, reconstructed, improved, or repaired with the revenues collected from the MSTU/BU.

3. The Committee shall perform, or cause to be performed, recurring maintenance of landscaping and other aesthetic features of non-paved portions of road R.O.W. All appropriate County, State, and Federal laws, ordinances, and regulations shall be followed, and right-of-way utilization permits obtained.

4. The maintenance operation will be in accordance with the latest edition of the Florida Department of Transportation's (hereinafter known as "FDOT") *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways*, and FDOT Roadway and Traffic Design Standards.

5. The Committee shall manage the landscaping and beautification improvements located within the Apopka-Vineland Road Area MSTU/BU, which maintenance, repair, and/or replacement shall include:

- a. Application of fertilizer, insecticide, and weed control;
- b. County administrative costs, inspection fees, and right-of-way utilization permit fees;
- c. Direct landscape maintenance costs for those landscaped rights-of-way, street

medians, and open areas defined as those areas without improved above-ground structures and that are:

- 1) Used for passive recreation or scenic preservation, and
 - 2) Contiguous to or included in the platted or deeded public right-of-way of an existing County road and accessible from such road from the outside curb of the roadway to the sidewalk;
- d. Edging along sidewalks and roadways;
 - e. Electricity for the irrigation system;
 - f. Governmental (Property Appraiser, Tax Collector, and other agency) collection of fees;
 - g. Insurance required of the Committee by this resolution and separate maintenance agreement;
 - h. Irrigation system repair;
 - i. Mowing of street medians and areas within the road rights-of-way;
 - j. Periodic sod and mulch replacement;
 - k. Replacement and/or refurbishing of landscaping materials, annual plants, shrubs, and damaged trees;
 - l. Tree and shrubbery trimming;
 - m. Annual renewal of incorporation fees;
 - n. Administration expenses not to exceed fifteen percent (15%) of the total reimbursable expenses incurred in the preceding month that were necessary to perform the services within the MSTU/BU by the Committee; and
 - o. Accounting and legal fees and any applicable taxes.

6. Any areas, facilities, and expenses not specifically listed in Section 5 shall not be paid for by, budgeted under, and/or reimbursed under the MSTU/BU. Construction or maintenance of walls and installation and maintenance of streetlighting on the R.O.W. shall be excluded from this MSTU/BU.

7. The Committee shall defend, indemnify, and hold harmless the County from and against all claims, damages, losses and expenses, including reasonable attorneys' fees and costs, arising out of or resulting from the performance of services by the Committee, their directors, officers, employees, contractors, subcontractors, or agents under this MSTU/BU during the performance of the maintenance services which are to be paid for out of the proceeds of this MSTU/BU.

8. The Committee shall carry, throughout the term of this MSTU/BU, the following insurance coverage (the "Required Insurance"):

- a. Commercial General Liability Coverage including, but not limited to, contractual, products and completed operations, and personal injury. The limits will not be less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) combined single limit (CSL), bodily injury and property

damage, or its equivalent, and County shall be named as an additional insured to the policy;

- b. Workers' Compensation Coverage with statutory limits for Worker's Compensation and in the amount of not less than ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) for Employers liability;
- c. Certificates of Insurance evidencing the Required Insurance coverage shall be filed with the County on the date of execution of the Agreement described in Paragraph 12 below, by and between the County and the Committee (which date of execution shall be the date upon which all of the parties have signed the Agreement). Said certificates shall provide that the policy may not be canceled without a thirty (30) day written notice to Orange County or materially altered without the written consent of the County. Failure to file said Certificates, and all renewals thereto, with the County shall be a basis for the County, at its option, to terminate this MSTU/BU.
- d. Other optional insurance including:
 - 1) Errors and Omissions
 - 2) Directors and Officers Liability
 - 3) Employee Dishonesty
- e. It shall be the responsibility of the Committee to insure that their contractors and subcontractors comply with:
 - 1) The insurance requirements set forth above.
 - 2) All applicable safety laws, ordinances, rules, regulations, standards, and lawful orders from authority bearing on the safety of persons or property or their protection from damage, injury, or loss.
- f. Only insurance of the types and amounts indicated above shall be included in the MSTU/BU. Any additional insurance outside the scope of insurance described herein shall be excluded.

9. Any maintenance or repair outside the scope of the normal maintenance services described in this resolution shall not be funded under the MSTU/BU.

10. Upon approval of this MSTU/BU, the Board shall determine the maximum ad valorem tax millage amount required to pay the expense of landscaping maintenance in the MSTU/BU. The ad valorem tax millage rate, which shall not exceed an ad valorem tax millage rate of .6 mill or 60 cents per every one thousand dollars (\$1,000.00) of all taxable property, will be

levied for the first time as of November 1, 2000. The ad valorem method, Sections 200.066 and 200.071, Florida Statutes, shall be used to establish the actual annual levy. This ad valorem tax millage rate may be adjusted and will be levied each and every year thereafter until discontinued by the Board. The ad valorem tax millage shall not exceed an ad valorem tax millage rate of .6 mill or 60 cents per every one thousand dollars (\$1,000.00) of all taxable property located within said MSTU/BU. The ad valorem millage rate will also provide for reimbursement of necessary inspections by the County and administrative costs incurred by the Property Appraiser, County Comptroller, and the Tax Collector for the collection and disbursement of ad valorem assessments, 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. Proceeds of collection of such assessments as provided hereinafter are to be put into a separate fund by the County to the credit of the MSTU/BU, and are to be used only by the MSTU/BU as provided herein.

11. Upon approval of this MSTU/BU, and for each and every year thereafter, an ad valorem tax millage roll setting forth a description of each lot or parcel of land subject to the ad valorem tax millage in the MSTU/BU as provided herein, including homesteads, and shall be prepared by the Property Appraiser and delivered to the Board, which shall levy an ad valorem tax millage upon such lots or parcels as listed in Exhibit "B", such sums as shall be necessary to pay the estimated expenses of the annual landscaping maintenance and the administration of the MSTU/BU. Such sums shall be assessed against each parcel of the real property on an ad valorem tax millage basis. After the adoption of the ad valorem tax millage roll by the Board, the Property Appraiser shall extend the ad valorem tax millage upon the ad valorem tax millage roll, which roll shall be fully completed prior to the time said Board sits as the Board of Tax Adjustment, during which time such ad valorem millage may be protested, reviewed, equalized, and adjusted. After adjournment as the Board of Tax Adjustment, said Board shall certify the ad valorem tax millage 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 said ad valorem tax millage 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 ad valorem tax millage, when collected by the Tax Collector shall be remitted to said Board, which shall deposit the same in such depository as shall be designated by the Board which shall apply the same to pay the expenses of maintaining and operating the MSTU/BU. From the proceeds of said ad valorem tax millage, the Board shall pay the costs of having an ad valorem tax millage 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 ad valorem method, Sections 200.066 and 200.071, Florida Statutes, shall be used.

12. The Board shall also enter into a separate agreement with the Committee (the "Agreement"), which agreement shall set forth in greater detail the terms, conditions, and procedures which will be used to implement and administer this MSTU/BU. In the event of termination of the

Agreement by the Committee, the County shall have no responsibility for collection of funds to operate and maintain the non-paved road rights-of-way and shall terminate the MSTU/BU established under this resolution.

13. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of title when the ad valorem 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, and of the time and place of the public hearing at which this resolution was adopted.

14. 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 MSTU/BU assessments.

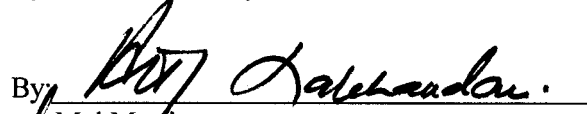
15. The County Comptroller, with concurrence from the County Attorney's Office, reserves the right to place MSTU/BU funds in the registry of the court in cases of significant unresolved disputes.

16. As the developed area surrounding the R.O.W. expands, the additional phases sections, units, etc., as the case may be, may be permitted to join into this Resolution under the terms and conditions as set forth herein. The Board may abolish the Apopka-Vineland Landscape Maintenance MSTU/BU if the larger Southwest Roadscape MSTU/BU by appropriate resolution, is established.

17. The Board shall be the governing Board of this MSTU/BU.

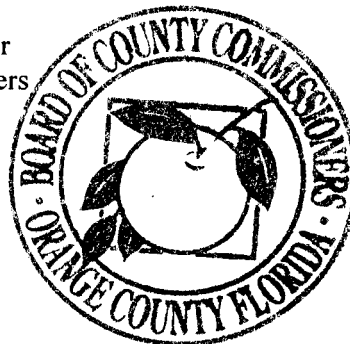
ADOPTED THIS 24 DAY OF AUGUST, 1999.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Mel Martinez
Orange County Chairman

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

By: 
Deputy Clerk



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(8/27/99)

Apopka-Vineland Road Area MSTU/BU

Exhibit "A"

Boundaries of MSTU/BU

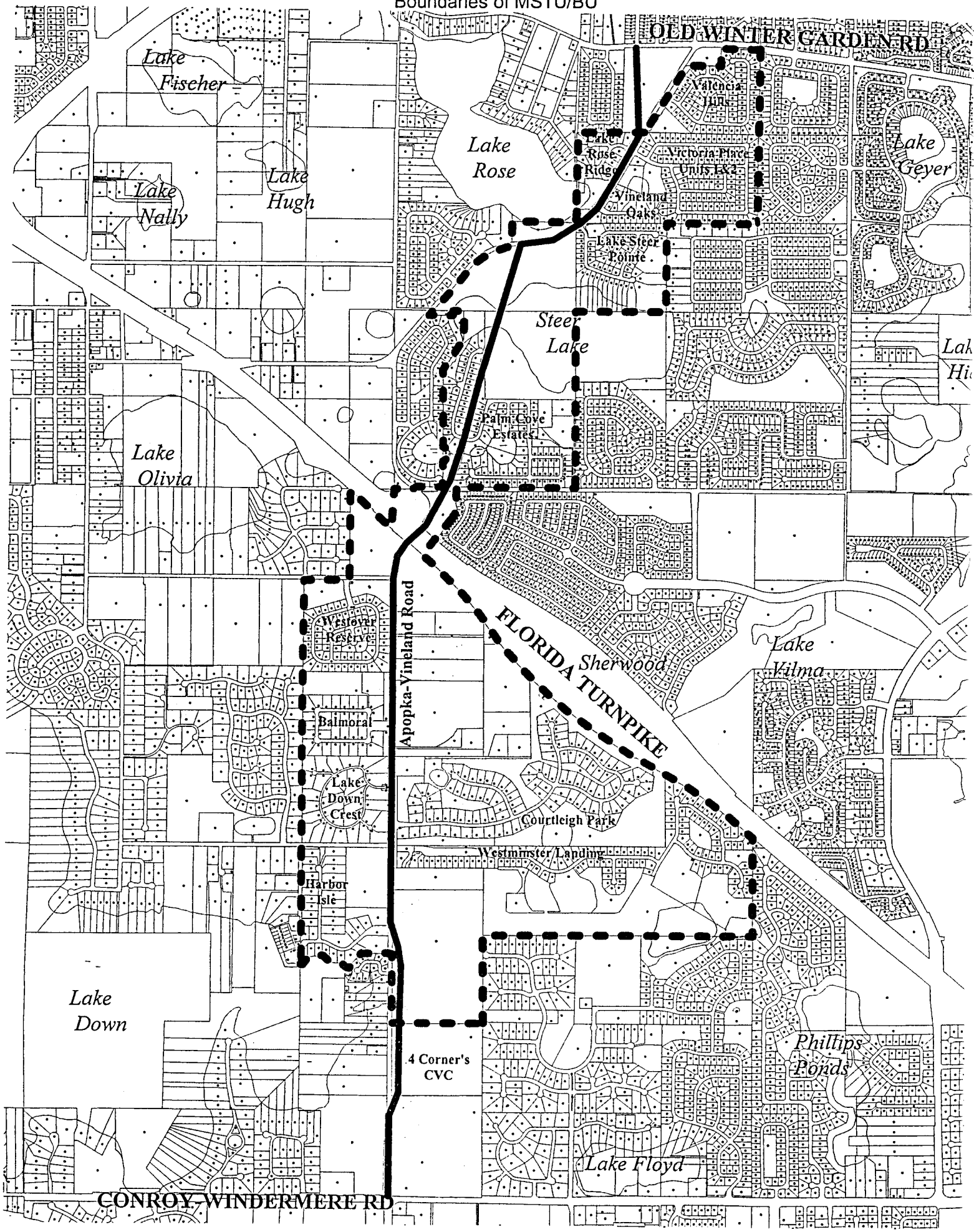


Exhibit "B"
Apopka-Vineland Road Area MSTU/BU

Subdivision Name	Section Township Range	Plat Book / Page(s)	Lots / Parcels / Tracts / Units
Balmoral	04-23-28	26/10	Lots 1 through 32
Courtleigh Park	03-23-28	24/12	Lots 1 through 114
Harbor Isle	09-23-28	33/61	Lots 1 through 22
Harbor Isle Unit 2	09-23-28	35/33	Lots 1 through 10
Lake Down Crest	04-23-28	26/52	Lots 1 through 33
Lake Rose Ridge Replat	34-22-28	21/148	Lots 1 through 22
Lake Steer Pointe	34-22-28	37/107	Lots 1 through 74
Palm Cove Estates	34-22-28	23/128	Lots 1 through 27
Palm Cove Estates 2	34-22-28	28/85	Lots 1 through 28
Palm Cove Estates 3	34-22-28	29/82	Lots 29 through 58
Palm Cove Estates 4	34-22-28	30/147	Lots 1 through 33
Palm Cove Estates 5	34-22-28	30/42	Lots 1 through 4
Valencia Hills Unit 3	27-22-28	19/143	Lots 1 through 95
Victoria Place Unit 1	34-22-28	20/113-114	Lots 1 through 73
Victoria Place Unit 2	34-22-28	22/68-69	Lots 74 through 146
Vineland Oaks	34-22-28	30/149	Lots 1 through 22 Tract C
Westminster Landing Phase 1	10-23-28	37/91	Lots 1 through 128
Westminster Landing Phase 2	10-23-28	39/150	Lots 129 through 215
Westover Reserve Phase 1	04-23-28	37/9	Lots 1 through 33
Westover Reserve Phase 2	04-23-28	39/3	Lots 34 through 81
Parcel ID Number	Parcel Legal Description		
03-23-28-0000-00-001	That part of NW ¼ of SW ¼ desc as comm NW cor of NW ¼ of SW ¼ run S 1189.24 ft E 663.64 ft for POB th cont E 393.62 ft N 270 ft W 68.32 ft etc.		
03-23-28-0000-00-002	Comm SW cor of SE ¼ of NW ¼ run N 712.77 ft to WLY r/w of Sunshine St. pkwy for POB th S 37 deg E 205.78 ft SELY along curve 220.33 ft W etc.		
03-23-28-0000-00-004	N ½ of SW ¼ of NE ¼ of SW ¼ & beg SW cor of NE ¼ of SW ¼ run N 340.35 ft E 156.87 ft S 16 deg W 351.69 ft W 53.5 ft to POB		
03-23-28-0000-00-005	SW ¼ of NW ¼ (less N 1192.40 ft) also the N 194.64 ft of NW ¼ of SW ¼ (less rd r/w on W)		
03-23-28-0000-00-007	Beg 194.64 ft S & 30 ft E of NW ¼ of SW ¼ th run S 986.86 ft E 1027.29 ft N 270 ft E 300 ft N 716 ft W 1327.36 ft to POB (less comm NW cor of etc.		
03-23-28-0000-00-009	SE ¼ of SW ¼ of NE ¼ of SW ¼		
03-23-28-0000-00-011	N 500 ft of SW ¼ of NW ¼ lying S & W of turnpike r/w & E of Apopka-Vineland Rd & that part of NW ¼ of NW ¼ lying S & W of Sunshine etc.		
03-23-28-0000-00-016	S 330 ft of N 830 ft of SW ¼ of NW ¼ (less turnpike r/w on E & less W 582 ft thereof)		
03-23-28-0000-00-017	S 32.41 ft of N 862.41 ft of SW ¼ of NW ¼ (less rd r/w)		
03-23-28-0000-00-018	SW ¼ of SW ¼ of NE ¼ of SW ¼ (less beg SW cor of NE ¼ of SW ¼ run N 340.35 ft E 156.87 ft S 16 deg W 351.69 ft W 53.5 ft to POB)		
03-23-28-0000-00-019	S 330 ft of N 1192.41 ft of SW ¼ of NW ¼		
03-23-28-0000-00-020	Beg SW cor of NW ¼ of SW ¼ run E 1358.33 ft N 103.86 ft W 1357.36 ft S 109.95 ft to POB (less W 30 ft rd r/w)		
03-23-28-0000-00-021	NW ¼ of NE ¼ of SW ¼ & SW ¼ of SE ¼ of NW ¼ lying S & W of Sunshine State Pkwy (less comm SW cor of SE ¼ of NW ¼ run N etc.		
03-23-28-0000-00-026	N 300 ft of W 465.6 ft of SW ¼ of SW ¼ (less W 30 ft for rd r/w)		
03-23-28-0000-00-073	W 582 ft of S 330 ft of N 830 ft of SW ¼ of NW ¼ (less rd r/w on W)		

Exhibit "B"
Apopka-Vineland Road Area MSTU/BU

Parcel ID Number	Parcel Legal Description
04-23-28-0000-00-010	E ½ of NE ¼ of NE ¼ (less turnpike r/w & less S 30 ft for rd) & in sec 3 that part of N ½ of NW ¼ lying W of Apopka-Vineland Rd & SWLY of W r/w etc.
09-23-28-0000-00-020	Beg 30 ft W & 30 ft S of NE cor S 902 ft W 631.3 ft N 902 ft E 630.39 ft to POB
10-23-28-0000-00-003	W ½ of NW ¼ (less N ¼ of NW ¼ of NW ¼)
10-23-28-0000-00-035	That part of NW ¼ of NW ¼ desc as comm NW cor of sec run S 332.16 ft E 30 ft to E r/w line of Apopka Vineland Rd for POB cont E 1338.43 ft S etc.
34-22-28-0000-00-002	S ½ of NW ¼ (less beg SW cor run N 1320 ft to NW cor said 80 acres E along N line 1700 ft to pt on lake S to r/w of Gotha Windermere Clay rd etc.
34-22-28-0000-00-007	E ¼ of S ½ of SW ¼ (less road & E 210 ft of W 310 ft of N 415 ft & (less beg 35 ft W & 30 ft N of SE cor of SW ¼ run W 632.7 ft N to NW cor of etc.
34-22-28-0000-00-008	Beg 100 ft E of NW cor of E ¼ of S ½ of SW ¼ E 210 ft S 415 ft W 210 ft N 415 ft to POB
34-22-28-0000-00-009	NE ¼ of SW ¼ 40 acres
34-22-28-0000-00-013	From NW cor of NE ¼ run E 943 ft to WLY r/w line of Gotha Rd th S 30 deg W 813.3 ft along said r/w for POB th W 130 ft N 66 deg W 72 ft W 220 ft etc.
34-22-28-0000-00-014	S 200 ft of NW ¼ of NE ¼ W of rd
34-22-28-0000-00-020	Beg 718 ft E of NW cor of SW ¼ run E 125 ft S 70 ft W 370.72 ft N 35 deg E 86.66 ft E 188.83 ft to POB (less W 30 ft for rd r/w)
34-22-28-0000-00-021	Beg 30 ft N & 35 ft W of SE cor of SW ¼ th run W 15 ft N 584.2 ft W 134.5 ft N 57 deg W 229.56 ft N 86 deg W 189.76 ft N 160.45 ft E 55 ft S 22 etc.
34-22-28-0000-00-031	N 246 ft of E ¼ of S ½ of SW ¼ (less W 310 ft) & E 15 ft of SE ¼ of SW ¼ of sec