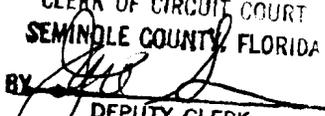


VERIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY 
DEPUTY CLERK
SEMINOLE COUNTY, FLORIDA

ORDINANCE NO. 2011- 11

SEMINOLE COUNTY, FLORIDA

ORDINANCE

AN ORDINANCE CREATING THE BEL AIRE HILLS UNITS 1, 2, & 3 MUNICIPAL SERVICES BENEFITS UNIT FOR THE PURPOSE OF WALL REPLACEMENT WITHIN THE UNIT; PROVIDING BOUNDARIES OF SAID UNIT; PROVIDING DESCRIPTION OF WALL REPLACEMENT IMPROVEMENTS AND ESTIMATION OF COST; PROVIDING FOR GOVERNING OF SAID UNIT BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR ADMINISTRATIVE COST; PROVIDING FOR ASSESSMENT FORMULA; PROVIDING FOR PRELIMINARY LIST OF ASSESSMENTS; PROVIDING FOR METHOD OF ESTABLISHING FINAL ASSESSMENT AND COLLECTION OF FINAL ASSESSMENT; PROVIDING FOR SEVERABILITY, INCLUSION IN SEMINOLE COUNTY CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida has the authority to establish a Municipal Services Benefits Unit pursuant to Chapter 125, Florida Statutes; and

WHEREAS, the Board of County Commissioners has adopted administrative procedures for the establishment of Municipal Services Benefits Units, and the proposed Bel Aire Hills Units 1, 2, & 3 Municipal Services Benefit Unit will be administered under the criteria as established by the Board of County Commissioners for said Municipal Services Benefits Units, and

WHEREAS, an Economic Impact Statement has been prepared and is available for public review in accordance with the provisions set forth in the Seminole County Home Rule Charter,

WHEREAS, the Board of County Commissioners has approved the hereinafter described project;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. SHORT TITLE. This Ordinance shall be known and referred to as the Bel Aire Hills Wall Replacement MSBU Ordinance.

Section 2. CREATING UNIT; IMPROVEMENTS. There is hereby created within Seminole County, the Bel Aire Hills Wall Replacement MSBU for the purpose of replacing the subdivision wall and entranceway walls within the unit. Said unit shall encompass the area of Seminole County, Florida as referenced in Exhibit "A", attached hereto and incorporated herein.

The improvements consist of providing the removal of the existing deteriorated wall located on Balmy Beach Drive and the installation of a pre-caste concrete fence wall system with entrance signage at each of the three Bel Aire Hills subdivision entrances intersecting with Balmy Beach Drive at Orleans Way ("Unit 1"), Orleans Way ("Unit 3"), and Antigua Drive ("Unit 2"). The pre-caste concrete fence wall system will be approximately 3,800 feet in length, with a minimum height of six (6) feet along Balmy Beach Drive, and shall include entrance structures as per proposed in Exhibit "B" and in accordance with County Building Code requirements. The owners of property in Bel Aire Hills Units 1, 2 & 3 will be responsible for the installation, maintenance and repairs of landscaping and irrigation provisions, as well as all maintenance and repairs related to the pre-caste concrete fence wall system.

Improvement cost is estimated at FOUR HUNDRED EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$418,000.00) as detailed in Exhibit "B", attached hereto and incorporated herein. Should total projected project cost following preliminary procurement activities exceed the estimated cost by more than twenty percent (20%), a *Petition to Continue* will be required prior to continuing the wall replacement project. Continuation of the project will be dependent on a sixty-five percent

(65%) support rate given the revised cost projections.

Section 3. POWERS AND DUTIES OF BOARD. The unit shall be governed by the Board of County Commissioners of Seminole County, Florida, which board shall have the following powers and duties:

(a) To provide for the collection and disbursal by the County of such funds as may be necessary to pay the expenses for improvements within the unit.

(b) To provide for, or contract for, the final engineering design and construction of the improvements as set forth in Section 2.

(c) To levy special assessments upon property abutting, adjoining, and contiguous to such improvement when such property is specially benefited by such improvement.

(d) To levy special assessments upon any property which is specially benefited and abuts, adjoins, and is contiguous to such improvement, but which may have been omitted from the hereinafter described preliminary assessment listing, upon giving sufficient notice to the owners of such property and holding a public hearing to consider any comments, objections or other relevant information to arrive at such decision to levy such special assessments.

(e) To provide method of financing to be from a commercial source or from County funds as authorized by the administrative procedures for Municipal Services Benefits Units.

Section 4. ADMINISTRATIVE COSTS. All properties within the boundary of the MSBU will be assessed administrative cost, as promulgated under the MSBU Program procedures. The assigned administrative cost shall be included in the total cost for the project and will be included in assessment calculation.

Section 5. ASSESSMENT FORMULA. The benefit unit base for determining assessment allocation is "per parcel" with consideration for parcel location relative to the wall/pre-caste concrete fence wall system. Parcels abutting and/or contiguous with the wall/pre-caste concrete fence wall system will be assessed one and one quarter (1.25) benefit units; non-abutting parcels will be assessed one (1) benefit unit.

Section 6. PRELIMINARY LIST OF ASSESSMENTS. The amounts set forth in Exhibit "A" are preliminary assessments on the property benefiting from the improvement and are based on estimated costs of improvements described in Section 2 above. Said assessment shall constitute a lien on the lands assessed. No collection activity will take place until the project is completed and a subsequent public hearing takes place to formally set the final assessment amount.

Section 7. METHOD OF FINAL ASSESSMENT AND COLLECTION. The Preliminary Assessment Roll will be updated with a Final Assessment amount determined following project completion. The Final Assessment amount will be based on actual project cost and shall be adopted by Board Resolution at a Public Hearing. Payment in full of the Final Assessment without assignment financing interest will be accepted by the MSBU Program within thirty (30) days following the final public hearing. All special assessments which may result as herein provided for in Exhibit "A" and not paid in full within the referenced thirty (30) day period shall be collected in ten (10) annual installments via the uniform method pursuant to Section 197.3632, Florida Statutes. Assessments collected by installment will be assessed interest at a projected rate of approximately four and 25/100 percent (4.25). Final

interest rates are subject to financing terms available at the time of project completion and establishment of final assessment.

Section 8. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 9. INCLUSION IN SEMINOLE COUNTY CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 8, 9, and 10 shall not be codified.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 12th day of April, 2011.

ATTEST:

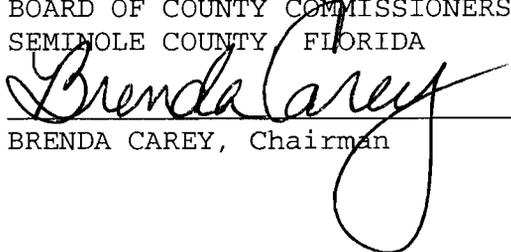


MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida



Bruce McMenemy
CHIEF DEPUTY

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA



BRENDA CAREY, Chairman

AEC/sjs
12/14/10

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EXHIBIT A

MSBU ASSESSMENT BOUNDARY
BENEFITING PROPERTIES

Preliminary Assessment Roll



Exhibit A**Wall Abutting Properties = 1.25 Benefit Units****Assessment: \$1,600.00****Annual Installment (10 years): \$199.00 per year**

18212952300000060	18212952300000120	18212952400001570	18212952500002140	18212952500002570
18212952300000080	18212952400001540	18212952400001560	18212952500002580	18212952500002560
18212952300000130	18212952400001510	18212952400001550	18212952500002120	18212952500002610
18212952300000070	18212952400001580	18212952400001590	18212952500002150	18212952500002170
18212952300000100	18212952400001520	18212952400001600	18212952500002160	
18212952300000090	18212952400001500	18212952500002600	18212952500002590	
18212952300000110	18212952400001530	18212952500002130	18212952500002180	

Non-Wall Abutting Properties = 1 Benefit Unit**Assessment: \$1,280.00****Annual Installment (10 years): \$160.00 per year**

18212952300000790	18212952300000700	18212952400001490	18212952400001340	18212952500002420
18212952300000490	18212952300000180	18212952400001870	18212952400001200	18212952500002360
18212952300000330	18212952300000010	18212952400001900	18212952400001380	18212952500002300
18212952300000290	18212952300000190	18212952400001720	18212952400001450	18212952500002240
18212952300000600	18212952300000280	18212952400001920	18212952400000990	18212952500002790
18212952300000200	18212952300000680	18212952400001620	18212952400001100	18212952500002980
18212952300000440	18212952300000540	18212952400001460	18212952400001250	18212952500003030
18212952300000740	18212952300000450	18212952400001240	18212952400001710	18212952500002500
18212952300000640	18212952300000670	18212952400001910	18212952400001790	18212952500002970
18212952300000230	18212952300000810	18212952400002110	18212952400000980	18212952500002670
18212952300000360	18212952300000760	18212952400001290	18212952400001660	18212952500002870
18212952300000860	18212952300000460	18212952400001640	18212952400002000	18212952500003100
18212952300000770	18212952300000430	18212952400001400	18212952400001940	18212952500002780
18212952300000660	18212952300000820	18212952400001110	18212952400001440	18212952500002280
18212952300000560	18212952300000690	18212952400001390	18212952400001030	18212952500002800
18212952300000710	18212952300000940	18212952400002100	18212952400001040	18212952500003090
18212952300000890	18212952300000350	18212952400001070	18212952400001280	18212952500002490
18212952300000340	18212952300000840	18212952400001810	18212952400001960	18212952500003130
18212952300000970	18212952300000320	18212952400001770	18212952400001120	18212952500002190
18212952300000750	18212952300000030	18212952400001850	18212952500002550	18212952500002390
18212952300000480	18212952300000960	18212952400001320	18212952500003070	18212952500002530
18212952300000530	18212952300000870	18212952400001060	18212952500002430	18212952500002860
18212952300000400	18212952300000500	18212952400001350	18212952500002700	18212952500002350
18212952300000800	18212952300000510	18212952400002010	18212952500002410	18212952500002740
18212952300000220	18212952300000210	18212952400001890	18212952500002710	18212952500002330
18212952300000410	18212952300000910	18212952400002050	18212952500002760	18212952500002440
18212952300000050	18212952300000390	18212952400001140	18212952500002210	18212952500002730
18212952300000470	18212952300000300	18212952400001800	18212952500002260	18212952500002960
18212952300000850	18212952300000240	18212952400001650	18212952500003170	18212952500002270
18212952300000260	18212952300000880	18212952400001230	18212952500002380	18212952500002540
18212952300000610	18212952400001410	18212952400001090	18212952500002480	18212952500002310
18212952300000590	18212952400001950	18212952400002030	18212952500002470	18212952500003150
18212952300000830	18212952400001760	18212952400001990	18212952500003040	18212952500003080
18212952300000550	18212952400002090	18212952400001930	18212952500002720	18212952500003120
18212952300000570	18212952400001830	18212952400001360	18212952500002370	18212952500002880
18212952300000620	18212952400001010	18212952400001470	18212952500002910	18212952500003140
18212952300000150	18212952400001260	18212952400001840	18212952500002850	18212952500002630
18212952300000930	18212952400001750	18212952400001730	18212952500002990	18212952500003190
18212952300000140	18212952400001860	18212952400001020	18212952500002320	18212952500002290

Non-Wall Abutting Properties = 1 Benefit Unit (continued)

Assessment: \$1,280.00

Annual Installment (10 years): \$160.00 per year

18212952300000520	18212952400002040	18212952400001430	18212952500003160	18212952500002340
18212952300000310	18212952400001080	18212952400001170	18212952500002950	18212952500003000
18212952300000380	18212952400001630	18212952400002070	18212952500002640	18212952500002940
18212952300000720	18212952400001130	18212952400001000	18212952500003180	18212952500002520
18212952300000900	18212952400001330	18212952400001610	18212952500002510	18212952500002840
18212952300000160	18212952400001180	18212952400001780	18212952500003050	18212952500002810
18212952300000270	18212952400001220	18212952400001970	18212952500002750	18212952500002460
18212952300000420	18212952400001690	18212952400001050	18212952500002620	18212952500002400
18212952300000370	18212952400002080	18212952400001480	18212952500002830	18212952500003110
18212952300000950	18212952400002020	18212952400001190	18212952500002230	18212952500002900
18212952300000580	18212952400001370	18212952400001270	18212952500003010	18212952500002690
18212952300000020	18212952400001680	18212952400001880	18212952500002660	18212952500002650
18212952300000170	18212952400001740	18212952400001210	18212952500002890	18212952500002930
18212952300000250	18212952400001700	18212952400001670	18212952500002220	18212952500003060
18212952300000920	18212952400001420	18212952400001310	18212952500002820	18212952500002770
18212952300000630	18212952400001150	18212952400001160	18212952500002450	18212952500002250
18212952300000730	18212952400002060	18212952400001300	18212952500002680	18212952500002200
18212952300000780	18212952400001980	18212952400001820	18212952500002920	18212952500003020
18212952300000040				
18212952300000650				

EXHIBIT B

IMPROVEMENTS, PROPOSED DESIGN & ESTIMATED COST

512

Exhibit B

Improvements and Proposed Design:

1. Demolition and removal of existing wall/fence structure and related debris.
2. Installation of a pre-cast concrete wall of dry stack stone design with columns, with a minimum height of six (6) feet along Balmy Beach Drive and maximum height of eight (8) feet at both sides of entrance section for each of the three (3) units (phases).
3. One (1) subdivision identification sign will be fabricated and installed for each of the three (3) entrances.
4. Wall length is approximately 3,765 L.F.
5. To be included in project scope: labor, materials, engineering, job related trash removal, footers, final grading, dry stack stone design with one (1) color sealer finish of intermediate grade, and calling in locates for utilities.
6. Project scope does **not** include electrical systems, lighting, landscaping, irrigation system or maintenance provisions.

Estimated Cost:

Demolition, Construction and Contingency	\$ 408,000.00
Administrative Cost	<u>\$ 10,000.00</u>
Total Estimated Cost of Project	\$ 418,000.00

Preliminary Assessment:

Abutting parcel	\$ 1,600.00
Non-abutting parcel	\$ 1,280.00

Estimated Annual Installment with 10-Year Financing:

Abutting parcel	\$ 199.00
Non-abutting parcel	\$ 160.00