



OFFICE OF COMPTROLLER

INTEROFFICE MEMO

ORANGE
COUNTY
FLORIDA

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Date: March 12, 2024
To: Mayor Jerry L. Demings
From: Eric Gassman, Chief Deputy Comptroller
Contact: Ann Dawkins, 407-836-5770
Subject: Public Hearing to Amend the Existing Municipal Service Benefit Unit (MSBU) for Streetlighting

MSBU District: **International Drive - SR 535 South to Osceola County Line Area**

Applicant: YuTien Chi-Wagner
GCB Associates, LLC
Developer

District: Commissioner Wilson, District 1

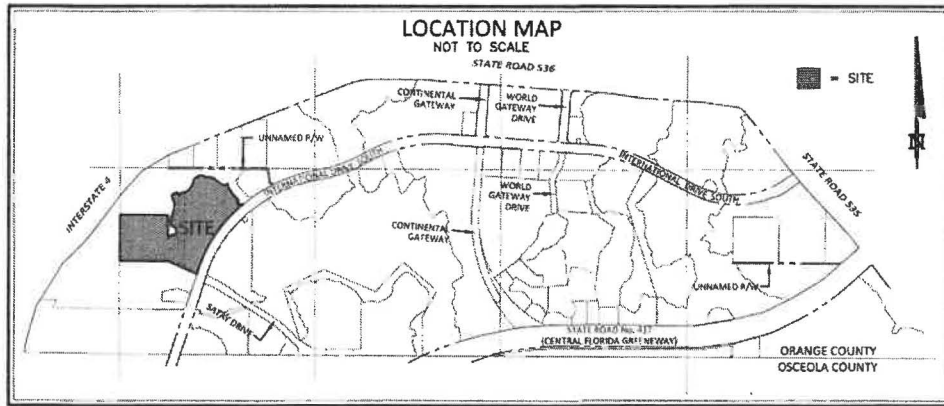
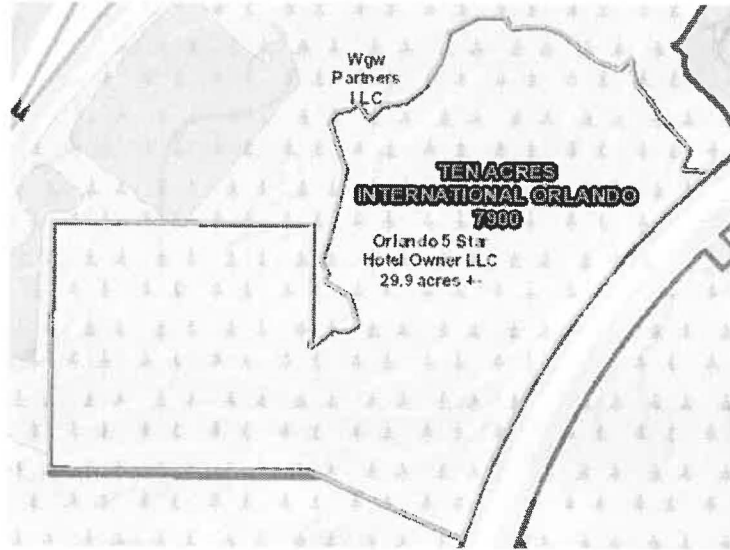
Report: The attached resolution will amend the existing MSBU. The amendment will add 1 lot of **Ten Acres International Orlando** for International Drive - SR 535 South to Osceola County Line Area. This will allow all of the 21 lots / parcels to be assessed for streetlighting.

Streetlighting: The streetlighting inventory will consist of 117 - 400 watt HPS (high pressure sodium) shoebox fixtures, 2 - 210 watt LED (light emitting diode) shoebox bronze type III fixtures, 1 - 220 watt LED (light emitting diode) shoebox black 3K type III fixtures, 4 - 219 watt LED (light emitting diode) shoebox fixtures with 121 - 41 foot fiberglass poles. The estimated assessment for the amending MSBU for streetlighting is \$4.00 per linear front foot. Last year's assessment was \$3.15 per linear front foot.

Effective Date: The amending MSBU would be effective November 1, 2024.

Action Requested: Approval of attached resolution for streetlights

Ten Acres International Orlando



**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
AMENDING AND RESTATING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR STREETLIGHTING
FOR**

**International Drive - SR 535 South to
Osceola County Line Area
11/2024**

WHEREAS, Section 125.01 (1) (q), Florida Statutes, grants Orange County, Florida ("County") the power to establish Municipal Service Benefit Units ("MSBU") for any part of the unincorporated areas of the County; and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County ("Board") is the governing board of the County; and

WHEREAS, by the Resolution dated **April 26, 2005**, the Board established the International Drive - SR 535 South to Osceola County Line Area 11/2005 Municipal Service Benefit Unit ("MSBU") for streetlighting ("Resolution"), said Resolution being recorded in Official Records as Document Instrument Number **20050315031**, Book **07961**, Pages **3059 through 3064**, Public Records of Orange County, Florida; and

WHEREAS, the County has now received a request, in writing, from YuTien Chi-Wagner ("Developer") of GCB Associates, LLC for the amendment of said Resolution to combine and include **Ten Acres International Orlando** which is more fully described in Exhibit "A" and the existing streetlighting inventory will be upgraded to include **117 – 400 watt HPS (high pressure sodium) shoebox fixtures, 2 – 210 watt LED (light emitting diode) shoebox bronze type III fixtures, 1 – 220 watt LED (light emitting diode) shoebox black 3K type III fixture, 4 – 219 watt LED (light emitting diode) shoebox fixtures and 121 – 41 foot fiberglass poles**; and

WHEREAS, this Board has determined that the amendment and restatement of the existing MSBU, the purpose of which is to combine and include the lots and parcels which are more fully described below in Exhibit "A" and parcels in Exhibit "B" of this resolution, the streetlighting inventory as requested by the Developer, together with the other information pertaining to the operation of the proposed MSBU submitted therewith, to be feasible, necessary to facilitate the services desired and in the public interest, and that the properties will be benefited, now and in the future, and that the existing MSBU should be amended and restated to combine said lots and parcels to continue with the upgraded existing streetlighting inventory; and

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

RECORDING DEPARTMENT: RETURN TO FINANCE & ACCOUNTING SPECIAL ASSESSMENTS

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

2. The International Drive – SR 535 South to Osceola County Line Area 11/2005 MSBU Resolution for streetlighting which is recorded in Official Records as Document Instrument Number **20050315031**, Book **07961**, Pages **3059 through 3064**, Public Records of Orange County, Florida, is hereby amended as the **International Drive - SR 535 South to Osceola County Line Area 11/2024 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 and parcel identification numbers, the boundaries of which appear on the recorded plats as shown in **Exhibit "A"** and parcel identification numbers as shown in **Exhibit "B"** in sections **33** and **34**, Township **24**, Range **28**, Public Records of Orange County, Florida and to continue the existing streetlighting inventory which is more fully described below. The purpose of such MSBU is to provide for collection and disbursal by the County of such funds as may be necessary to pay the annual expense of standard operation and maintenance of streetlighting equipment within the MSBU, including energy charges, streetlighting fixtures, poles, wires, conduits, and all appurtenances necessary for such streetlighting, electrical services and current used in their operation, and for payment of administrative costs and appropriate reserves for cash balance. It is the understanding of the County that **Duke Energy Florida, Inc.** is to construct, or has constructed in accordance with standards approved by the Orange County Public Works Department, all necessary streetlighting equipment at no expense to the County, prior to or during construction of those portions of International Drive - SR 535 South to Osceola County Line Area and that Duke Energy Florida, Inc. will assume standard maintenance and operation of such equipment, subsequent to such construction, including computation of the annual and monthly charges for such standard maintenance and operation. Such equipment is to include **117 – 400 watt HPS (high pressure sodium) shoebox fixtures at \$30.24 per fixture, per month, 2 – 210 watt LED (light emitting diode) shoebox bronze type III fixtures at \$24.39 per fixture, per month, 1 – 220 watt LED (light emitting diode) shoebox black 3K type III fixture at \$24.39 per fixture, per month, 4 – 219 watt LED (light emitting diode) shoebox fixture at \$33.26 per fixture, per month with 121 – 41 foot fiberglass poles at \$13.36 per pole, per month** for a yearly rate of **\$65,958.75**, which includes energy costs and excludes the cost of administering the district as set out below, or at a rate or rates as may be set by the properly constituted legal authorities who control, govern and set the rates for Duke Energy Florida, Inc. for the services described herein. It is further understood by the County that Duke Energy Florida, Inc. may construct such streetlighting equipment only in those portions of the MSBU as may be necessary concurrent with the development of International Drive - SR 535 South to Osceola County Line Area 11/2024 MSBU and that the streetlighting district created herein will be operated only in such portions of the MSBU until such construction is completed in other portions of the MSBU; provided that if such construction is only to be in portions of such MSBU, a complete legal description of the portion or portions developed be filed with the Clerk of the Board. After presentation and approval by the Board, it is understood and agreed between the County and the Developer that (if applicable) as International Drive - SR 535 South to Osceola County Line Area 11/2024 MSBU expands the additional Additions, Phases, Sections, Units and/or etc., as the case 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. **It is further understood that the revised contract between the County and Duke Energy Florida, Inc. for International Drive - SR 535 South to Osceola County Line Area 11/2024 MSBU will not be effective until November 1, 2024.** Streetlights installed prior to this date are the responsibility of the developer and not the County. It is further understood that only 117 – 400 watt HPS (high pressure sodium) shoebox fixtures at \$30.24 per fixture, per month, 2 – 210 watt LED (light emitting diode) shoebox bronze type III fixtures at \$24.39 per fixture, per month, 1 – 220 watt LED (light emitting diode) shoebox black 3K type III fixtures at \$24.39 per fixture, per month, 4 – 219 watt LED (light emitting diode) shoebox fixtures at \$33.26 per fixture, per month with 121 – 41 foot fiberglass

poles at \$13.36 per pole, per month are approved for this MSBU. Any additional streetlighting will be the responsibility of the developer.

3. Upon completion of construction of such streetlighting equipment and the placement of such equipment into operation, the Board shall determine the estimated non-ad valorem assessment amount required to pay the standard expense of maintaining and operating the streetlighting equipment in the MSBU. This non-ad valorem assessment is levied for the first time as of **November 1, 2024** and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the 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 revenue generated by the assessment. The property owners within International Drive - SR 535 South to Osceola County Line Area 11/2024 MSBU shall pay any cost exceeding standard operating and maintenance expense as determined by the Board. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem 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 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. 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 assessments have been collected. The estimated annual cost of operating, maintaining, and administering such streetlighting equipment, including the establishment and maintenance of an appropriate reserve for cash balance, is **\$66,111.25** and the estimated annual charge to each individual freeholder is **\$4.00 per linear front foot**. Proceeds of collection of such assessments as provided hereinafter 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.

4. Upon completion of construction of such streetlighting equipment and the placement of such equipment 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 owned by individual freeholders, according to the recorded plats and parcel identification numbers of the International Drive - SR 535 South to Osceola County Line Area 11/2024 MSBU as shown in Exhibit "A" for the lots and Exhibit "B" for the parcel identification numbers, such sums as shall be necessary to pay the estimated expense of the annual operation and maintenance of such streetlighting equipment and administration of the district and appropriate reserves for cash balance for paying expenses, provided that 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 towards such cost. After the adoption of the non-ad valorem special assessment by the Board, the Property Appraiser shall extend the assessment upon the non-ad valorem 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 assessments 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 the 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 said 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. Said non-ad valorem special assessments, when collected by the Tax Collector shall be remitted to the Board, who shall deposit the same in such depository as shall be designated by the Board who shall apply the same to monthly bills rendered by Duke Energy Florida, Inc., related administrative costs, and to the establishment and maintenance of an appropriate reserve for cash balance. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs for 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 assessments, Section 197.3632, Florida Statutes, will be used.

5. 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 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.

6. 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 assessments.

7. 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.

8. The Board of County Commissioners shall be the governing board of said Municipal Service Benefit Unit.

9. This resolution which amends and restates the resolution recorded in Official Records as Document Instrument Number 20050315031, Book 07961, Pages 3059 through 3064, is controlling and supersedes the resolution recorded in Official Records as Document Instrument Number 20050315031, Book 07961, Pages 3059 through 3064, Public Records of Orange County, Florida.

ADOPTED THIS _____ DAY OF _____, 2024

ORANGE COUNTY, FLORIDA

BY: _____
ORANGE COUNTY MAYOR

DATE: _____

ATTEST: Phil Diamond, County Comptroller
as Clerk of the Board of County Commissioners

BY: _____
DEPUTY CLERK

International Drive – SR 535 South to Osceola County Line Area – 11/2024 MSBU
Exhibit "A"

Subdivision Name	Plat Book / Page	Section Township Range	Lot Numbers
World Gateway	38/89-91	33-24-28	Parcels F, F1, H1, H2, I and J
World Gateway Phase 2	42/93-95	34-24-28	Parcel N
World Gateway Phase 3	46/10-12	33-24-28	Parcel D2
World Gateway Phase Parcels F and F1 Replat	50/85	33-24-28	Parcels F and F1
World Gateway Phase 4A	57/86-87	34-24-28	Parcel 1 and Tract E
Ten Acres International Orlando	111/24-25	33-24-28	Lot 1

International Drive – SR 535 South to Osceola County Line Area – 11/2024 MSBU
Exhibit "B"

Parcel ID Number	Legal
33-24-28-0000-00-001	THAT PT OF SEC 33-24-28 LYING SLY OF INTERNATIONAL DR & NLY OF SR 417 (LESS PARTS PLATTED) & THAT PART OF NW1/4 & SW1/4 OF SEC 34-24-28 LYING SLY OF INTERNATIONAL DR & NLY OF SR 417 (LESS PART PLATTED) SEE 3217/631 & 4440/4095 & 4841/1804 & (LESS PART PLATTED PER PB 57 PG 86 & PART LYING N OF SAID SUB & S OF INTERNATIONAL DR) & (LESS PT PLATTED PER PB 71 PG 98)
33-24-28-0000-00-003	BEG SW COR OF SW1/4 OF SEC 33 RUN E 729.61 FT N 18 DEG E 683 FT S 75 DEG W 37.53 FT S 24 DEG W 3.12 FT W 1798.47 FT M/L N 27 DEG E 123 FT M/L W 225.91 FT S 31 DEG W 112.66 FT S 15 DEG W 527.07 FT S 8 DEG W 149.27 FT E TO POB IN SEC 33-24-28 SEE 3217/0631
33-24-28-0000-00-006	COMM SW COR OF SW1/4 OF SEC 33 RUN E 876.91 FT FOR POB TH CONT E 652.61 FT N 25 DEG E 24.73 FT N 13 DEG W 46.68 FT N 20 DEG W 103.06 FT N 32 DEG W 67.45 FT N 52 DEG W 137.87 FT N 66 DEG W 54.66 FT N 68 DEG W 89.62 FT N 78 DEG W 62.43 FT N 37 DEG E 29.47 FT S 72 DEG W 129.54 FT N 06 DEG W 68.53 FT N 78 DEG W 21.19 FT S 18 DEG W 447.12 FT TO POB IN SEC 33-24-28
33-24-28-0000-00-007	THAT PART OF W1/2 OF SEC 33-24-28 LYING WLY OF INTERNATIONAL DR & SLY OF I-4 (LESS LOTS 51 THROUGH 54 & LOTS 81 & 82 MUNGER LAND CO PB E/22 & LESS PARTS PLATTED & LESS RD R/W & LESS THAT PART DESC IN OR 4843/1481) & IN SEC 32-24-28 COMM SE COR OF SAID SECTION 32 RUN W 981.27 FT N 658.26 FT W 190.33 FT N 31 DEG E 112.66 FT FOR POB TH CONT N 31 DEG E 601.98 FT N 46 DEG E 263.38 FT NELY 438.9 FT N 36 DEG E 574.98 FT S 1617.54 FT M/L W 955 FT M/L N 27 DEG E 123 FT M/L W 225.91 FT TO POB IN SEC 32-24-28 SEE 5266/4904 & (LESS PT PLATTED N/K/A TEN ACRES INTERNATIONAL ORLANDO PER PB 111 PG 24) & (LESS COMM AT SW COR OF SEC 33-24-28 TH N0-24-19E 1358.95 FT TO POB TH N67-18-57W 44.76 FT TH N73-25-15W 52.34 FT TH N51-21-39W 31.27 FT TH S1-29-49E 89.41 FT TH N89-39-55W 559.49 FT TH N22-44-28W 67.23 FT TH N46-3-31E 118.64 FT TO POINT OF CURVATURE OF A CURVE CONCAVE NWLY W/ RADIUS OF 2536.28 FT CHORD BRG OF N41-6-4E TH NELY ALONG ARC OF CURVE THROUGH A CENTRAL ANGLE OF 9-54-54 FOR A DISTANCE OF 438.9 FT TO POINT OF TANGENCY TH N36-8-37E 574.98 FT TH N42-28-52E 451 FT TH N58-51-27E 451.07 FT TH S1-28-11W 207.02 FT TH S89-41-17E 1082.63 FT TH S20-0-35W 9.69 FT TH S53-59-9W 54.46 FT TH S32-37-17W 92.76 FT TH S31-2-58W 30.16 FT TH S61-43-8W 22.62 FT TH S46-27-17E 41.9 FT TH S4-40-58E 46.75 FT TH S43-48-15E 33.44 FT TH S46-49-35E 59.69 FT TH S45-36-46E 50.12 FT TH S28-45-4E 45.22 FT TH S66-4-22E 24.75 FT TH N84-15-1E 49.87 FT TH S14-2-38W 25.39 FT TO POINT ON NON-TANGENT CURVE CONCAVE SELY W/ RADIUS OF 2170 FT

	CHORD BRG OF S51-22-38W TH SWLY 4-0-2 A DISTANCE OF 151.52 FT TO NON-TANGENT LINE TH N84-27-2W 80.55 FT TH N22-12-47E 55.03 FT TH N40-8-8W 44.86 FT TH N43-19-30W 74.09 FT TH N30-52-14W 50.05 FT TH N42-36-33W 52.31 FT TH N15-22-50W 41.16 FT TH N7-2-12W 33.1 FT TH S45-17-54W 43.64 FT TH N69-7-13W 62.94 FT TH N54-5-4W 55.39 FT TH N50-39-15W 68.28 FT TH N40-40-47W 45.32 FT TH S88-54-38W 90.39 FT TH N30-20-10W 31.5 FT TH S89-54-12W 74.54 FT TH S60-53-35W 82.96 FT TH S16-0-52W 85.17 FT TH S32-8-57W 79.76 FT TH S52-16-28W 63.31 FT TH S80-39-29W 56.07 FT TH S47-55-21W 53.4 FT TH N35-125-22W 52.2 FT TH S51-14-1W 28.5 FT TH S79-28-34W 30.9 FT TH S45-7-11W 30.95 FT TH S16-42-8E 72.07 FT TH S19-47-39E 67.53 FT TH S12-42-30W 124.57 FT TH S14-28-32W 58.87 FT TH S18-5-13W 65.95 FT TH S24-34-57E 38.65 FT TH S19-48-56W 20.89 FT TH S60-47-51E 44.37 FT TH S57-46-30E 31.48 FT TH S17-41-56E 82.23 FT TH S62-45-2W 38.01 FT TH N80-44-31W 34.12 FT TH S50-14-20W 75 FT TH N59-26-51W 1.83 FT TH 0-17-38E 327.1 FT TH N89-40-36W 691.64 FT TH S0-24-19W 621.99 FT TO POB PER DOC 20230012231)
33-24-28-0000-00-008	THAT PART OF SW1/4 OF SEC 33-24-28 LYING ELY OF INTERNATIONAL DR & SWLY OF SATAY DR (LESS PARTS PLATTED) & (LESS THAT PART DESC IN OR 4843/1481)
34-24-28-0000-00-018	THAT PART OF SEC 34-24-28 LYING SLY OF SR 536 & WLY OF SR 535 & NLY OF INTERNATIONAL DR (LESS PART PLATTED) SEE 2717/1027 3217/631 5295/1562