

*Board of County Commissioners*

# Lake Catherine (Tymber Skan on the Lake) Community Assistance and Redevelopment Project

January 28, 2025

- **Tymber Skan on the Lake- Tymber Skan, property, complex, or neighborhood**
- **Lake Catherine- lake adjacent to Tymber Skan**
- **Condo Units- residential units in Tymber Skan**
- **Air units- demolished condo units in Tymber Skan**
- **Condominium/condo association (CA)- private association to govern a community of condo units and maintain shared/common areas**
- **Building- group of several condo units in Tymber Skan**

- Tymber Skan on the Lake has been plagued by public safety concerns and residents there live in unsafe and precarious conditions
- Buildings are dilapidated, condo units without water service, most of the buildings are demolished, Orange County owns 38% of the condo units, fire hydrants are unmaintained, and dumping
- Orange County understands the plight of the existing residents and realizes a thoughtful and compassionate approach is needed to provide a long-term solution
- Staff reviewed the following options as long-term solutions to the conditions there: status quo, foreclosing on existing liens, and terminating the condo associations/utilizing a receiver



## Purpose (Cont.)

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- As the most effective long-term solution, staff proposes to terminate the condo associations and utilize a receiver to manage the partition action to force the sale of the property
- The conclusion of this process could take at least one year, which provides an opportunity for the County to work with residents and offer services
- Today's presentation will cover the following topics about Tymber Skan: history, existing conditions, the County's next steps, and services for residents
- The requested action is for the authority to terminate Tymber Skan's condo associations, petition for a receiver, and support for the Lake Catherine Resident Assistance Plan



# Presentation Outline

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- History and Current Conditions
- Status of Condo Units
- Next Steps
- Future Possibilities
- Lake Catherine Residents' Assistance Plan
- Summary and Requested Action





# Presentation Outline

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# History and Current Conditions

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## ■ History of Tymber Skan

### — Condo units built between 1972 and 1974

- 49 buildings, with 321 condo units
- Luxury condo units with amenities

### — Four condo associations (CAs)

- Condo association Section 1- 78 condo units
  - Inactive
- Condo association Section 2- 120 condo units
  - Active
- Condo association Section 3- 123 condo units
  - Inactive
- Master Association
  - Inactive







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Lake Catherine

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# History and Current Conditions

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## ▪ Decline

- In the 1990s, the condo associations (CAs) were plagued with mismanagement of funds and poor administration
- In 1999, Orlando Utility Commission (OUC) threatened to discontinue water service because of unpaid water bills
- CAs struggled to collect dues for maintenance and operating costs
- 2004 hurricanes (Charley, Frances, and Jeanne)
  - Exterior damage to buildings was not repaired by the CAs
- Foreclosure crisis exacerbated the issues
  - Owners walked away from or lost their homes
- A receiver was appointed to manage two condo associations



# History and Current Conditions

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## ■ Previous Environment

- Unsafe and dilapidated buildings
- Fires
  - Spread to nearby apartments and condo complexes
- Crime
- Squatting
- Dumping
- HOA dues were not being collected
- Delinquent water and wastewater bills
- Intermittent trash collection





# History and Current Conditions

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- **Impetus for Orange County's Involvement (2014)**
  - Tymber Skan's water bill with OUC was past due
  - OUC initiated the process to disconnect the water
  - Tymber Skan residents went to a BCC meeting to appeal for help
  - OUC delayed disconnecting the water
  - Magnitude of the residents' dire living conditions and the need for intervention became apparent
  - County staff was directed to outline options to engage residents and stabilize conditions
    - Provided social services, addressed unsafe structures, and improved infrastructure





# History and Current Conditions

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- Orange County's Efforts to Engage Residents and Stabilize Conditions
  - Demolished buildings- \$3,000,000
  - Offered social services- \$130,949
  - Secured buildings and lot cleanings- \$129,000
  - Repaired water and wastewater systems- \$78,924
  - Repaved surfaces and storm water cleanout- \$90,100
  - Forgave \$48,000 in unpaid wastewater fees







# History and Current Conditions

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## ■ Current Environment

- Majority of the buildings are demolished
- Existing buildings are unsafe and dilapidated
- Fire hydrants are unmaintained
- Orange County owns 123 condo units
- No water service in CA Sections 1 and 3
  - Condo units without water service
- CA Section 2 is delinquent with water payments
- Dumping
- HOA dues are not being collected
- Crime and squatting are limited
- Infrequent trash collection





# History and Current Conditions

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## ▪ Life Safety Code Violations Against the Condo Associations

### —Exterior of buildings and common areas

- CAs are responsible for maintenance

### —104 cases are in compliance

- 41 buildings demolished (brought the cases into compliance)

### —15 cases are not in compliance

- 8 existing buildings
- Accruing fines

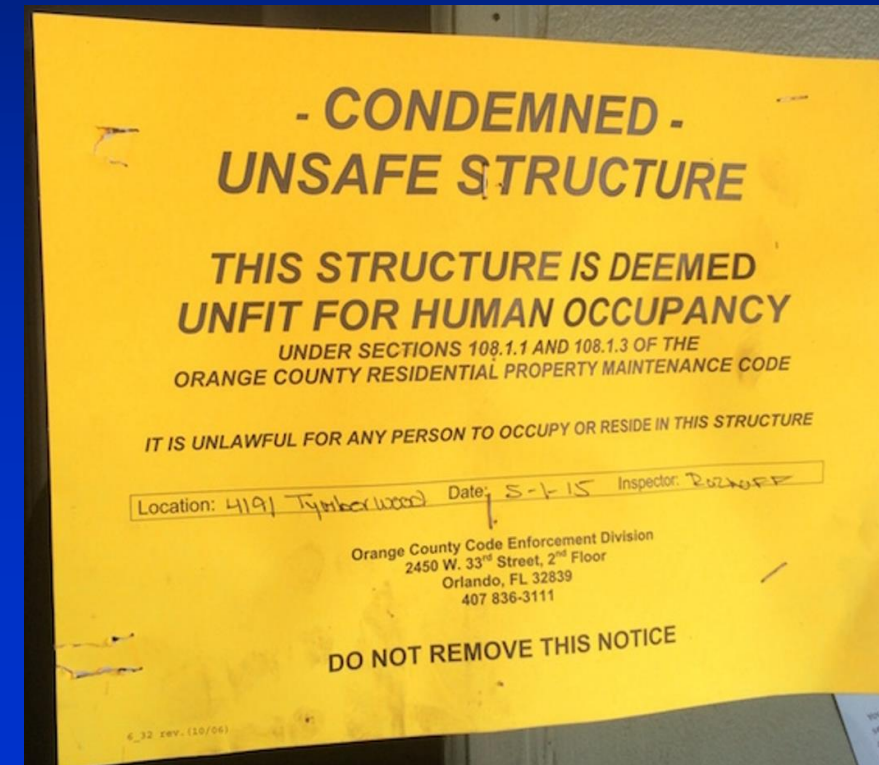




# History and Current Conditions

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- **Life Safety Code Violations Against Condo Unit Owners**
  - Inside the condo unit
    - Owners are responsible for maintenance
  - 144 condo units are in compliance
    - Demolitions brought the cases into compliance
    - Special assessment liens- \$1,395,318
  - 6 condo units are not in compliance
    - Accruing fines
  - 47 condo units don't have violations
    - Staff has not been granted access
  - 1 condo unit is in compliance







# History and Current Conditions

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## ■ Fire Marshal/Florida Fire Prevention Code Violations

### —Status of the fire hydrants

- Fire hydrants are not maintained, tested annually, or marked properly
- Access to the fire hydrants is obstructed

### —Three code violations

- Adjudicated in February 2024
- Health and safety designation from the Special Magistrate
- Fines accruing
- Liens on the property





# History and Current Conditions

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- **Fire Rescue – Operations, Emergency Response Plan**
  - During a structure fire response, water supply hoses may be connected to the nearest public hydrant, which is located at the intersection of Skan Court and Texas Avenue
    - This hydrant is located 475 feet from the nearest structure and 1,400 feet from the farthest structure on the Tymber Skan property
    - These distances are within the capacity of the hose carried by Fire Rescue's responding units



# History and Current Conditions

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## ■ Fire Rescue – Operations, Emergency Response Plan

– Additionally, Fire Rescue has enhanced the firefighting water requirements by

- Dispatching a Water Supply Task Force to respond to any fire-related incidents.
  - This designation provides additional resources and personnel
  - Fire Rescue can deliver thousands of gallons of water to the scene
- Fire Rescue maintains the ability to access water from lakes, ponds, and swimming pools, if necessary
- Fire Rescue continues the community service of providing free smoke alarms for residents of Tymber Skan



# History and Current Conditions

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## ■ Summary

- Tymber Skan has been plagued by public safety concerns and dilapidated buildings, which present unsafe living conditions for residents
- Water service (from OUC) was almost disconnected
- Orange County invested \$3.5 million to stabilize Tymber Skan by offering social services to residents, addressing unsafe structures, and improving infrastructure
- The following are the current conditions: dilapidated/unsafe buildings, looming threat of water disconnection, condo units without water service, infrequent trash collection, dumping, and unmaintained fire hydrants
- There are several unaddressed life safety code violation cases
  - Fines accruing and liens in place





# Presentation Outline

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- History and Current Conditions
- **Status of Condo Units**
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# Status of Condo Units

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## ■ Demolitions

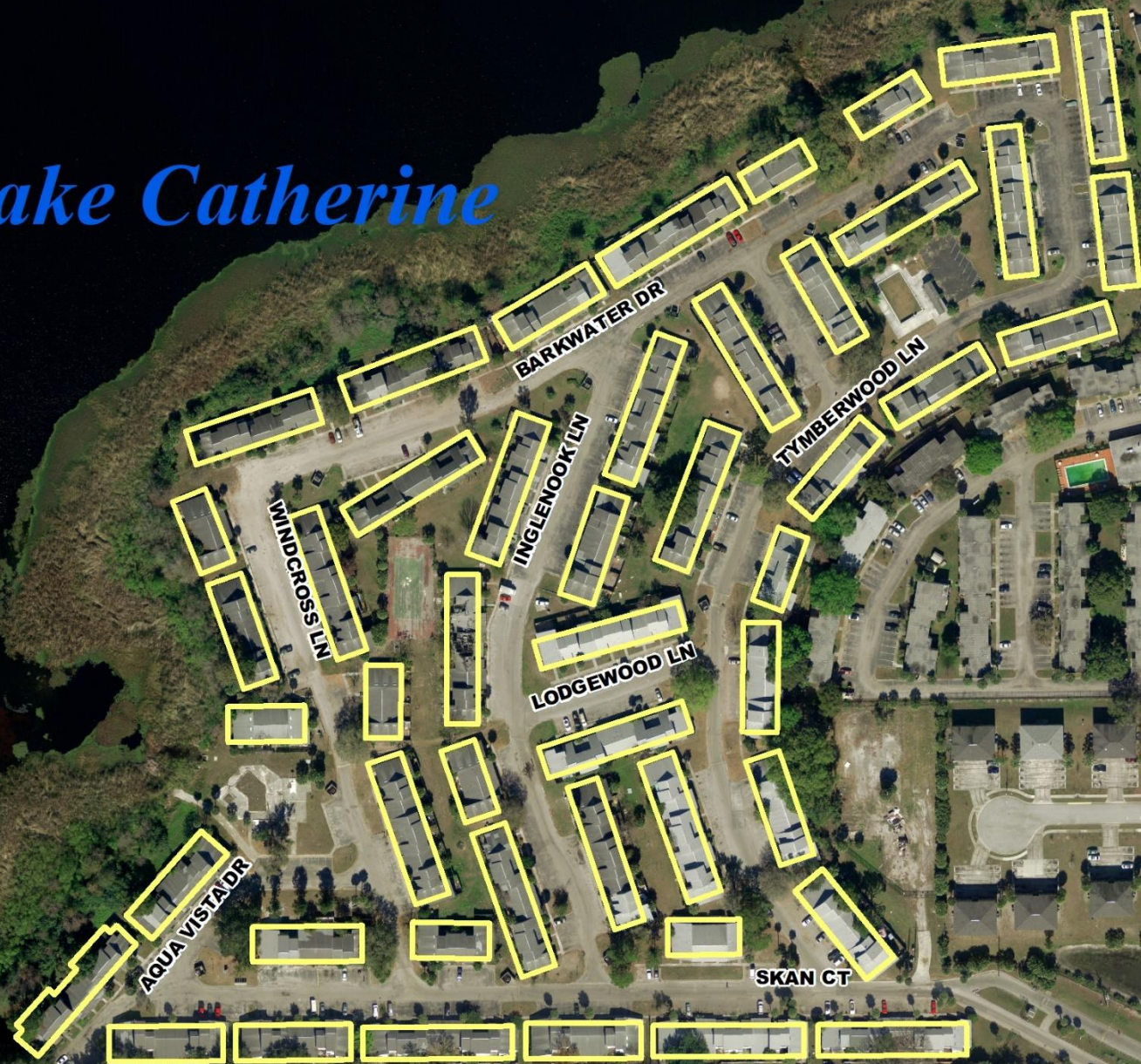
- Due to the extensive damage on the buildings, the Special Magistrate designated all the buildings in the complex a threat to the public's safety
- The County exercised its authority to demolish the buildings to address the public safety concerns (Florida Statutes § 162)
- County demolished buildings as they became vacant
- 41 buildings were demolished
  - CA Section 1- 12 of 13 buildings demolished
  - CA Section 2- 10 of 17 buildings demolished
  - CA Section 3- 19 of 19 building demolished
- Approx. 84% of Tymber Skan is demolished





2013

# *Lake Catherine*





2014

*Lake Catherine*





2015

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2016

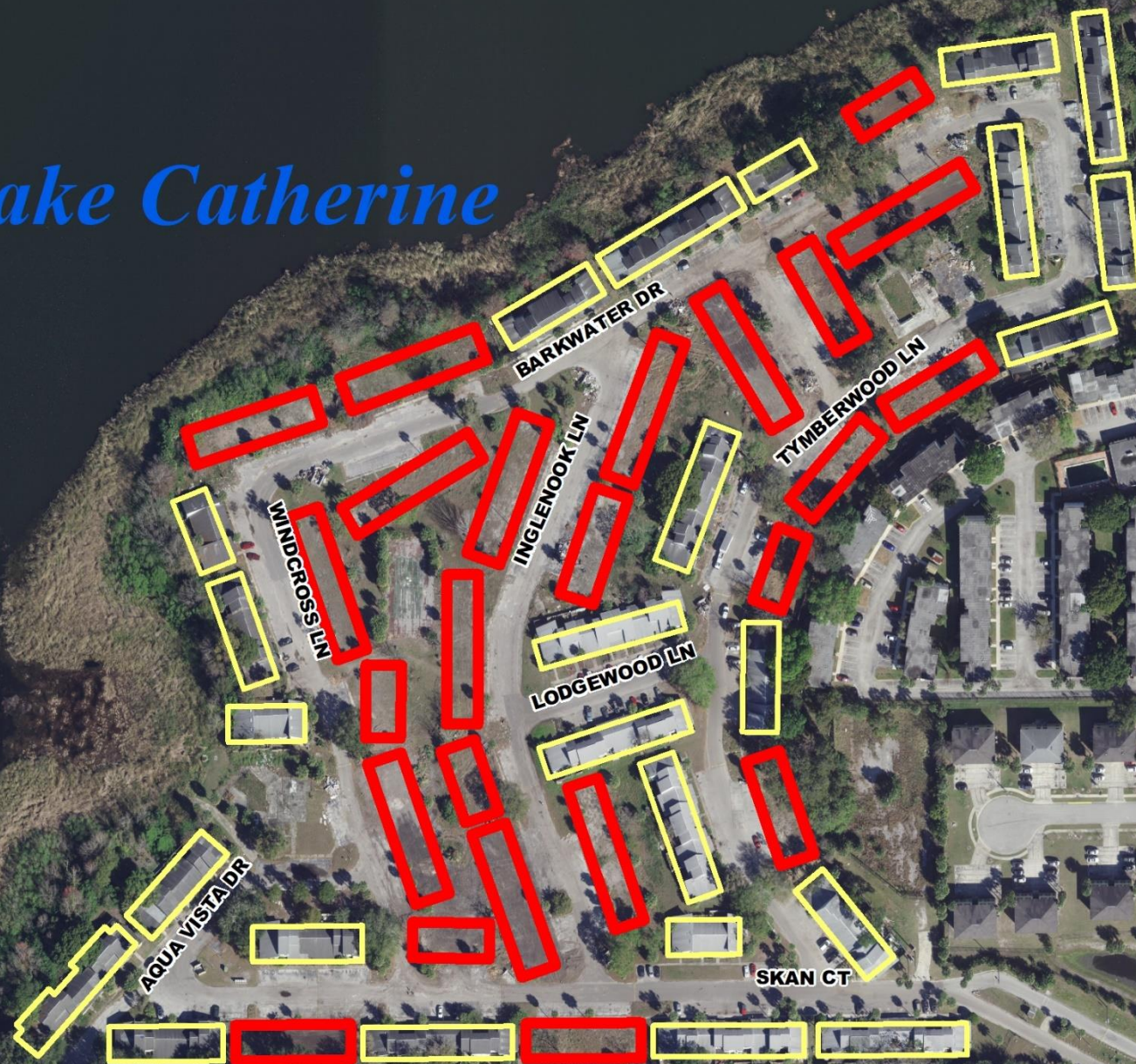
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2017

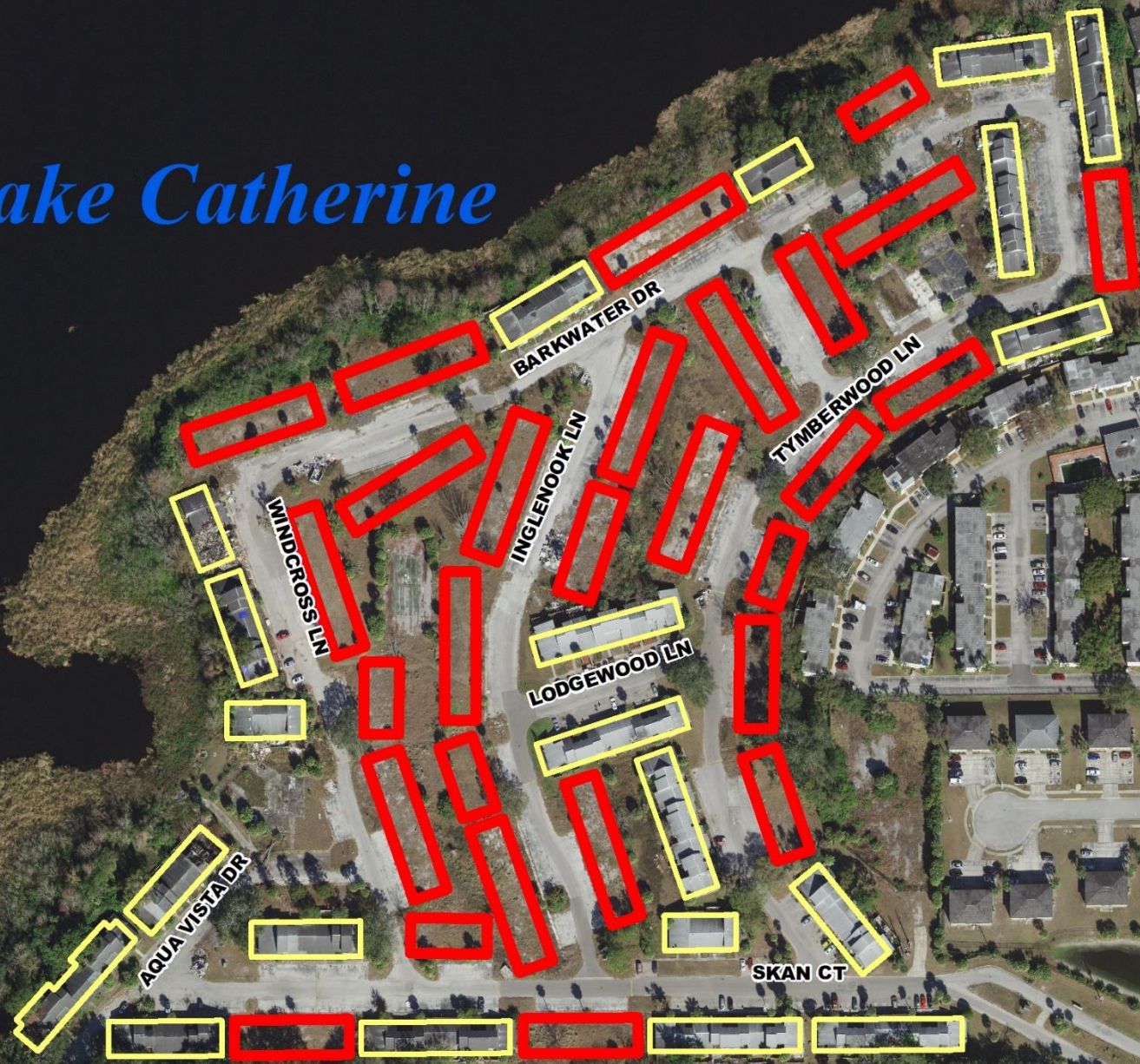
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2018

# *Lake Catherine*





2019

*Lake Catherine*

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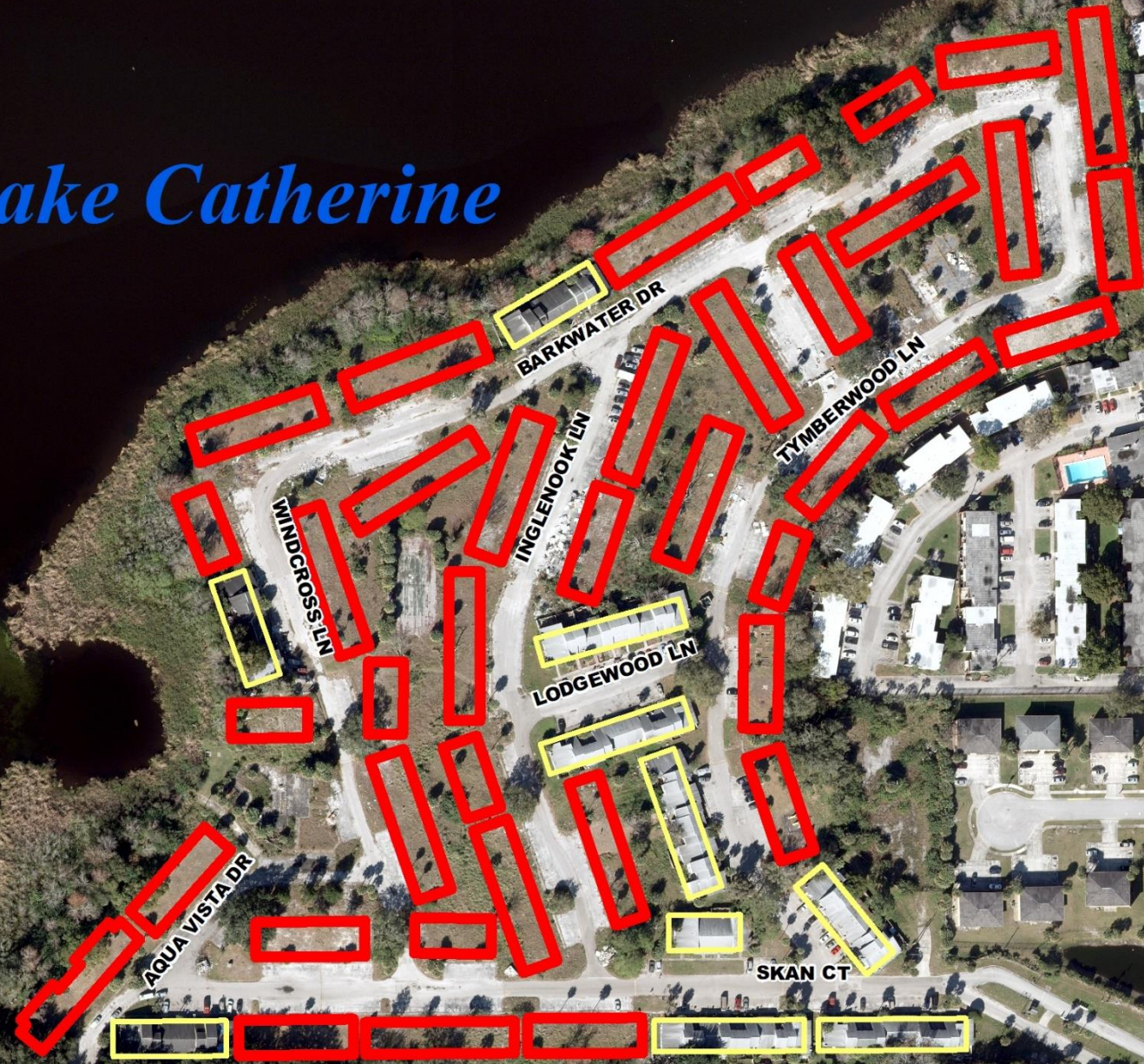




2020

# *Lake Catherine*

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2021

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2022

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# Status of Condo Units

32

- **Existing Condo Units- 56**
  - 47 condo units have not been accessed
  - 8 condo units have life safety code violations
  - 1 condo unit is in compliance
- **There are five condo units with a homestead exemption (Jan. 2025)**
- **Orange County-Owned Units**
  - Through the tax deed process, the County owns 123 condo units (38%)
    - 121 condo units are demolished
    - 2 condo units are standing





# County-Owned Condo Units- 123

*Lake Catherine*





# Condo Units with Homestead Exemption- 5







# Status of Condo Units

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- The CAs own 31 condo units
  - 18 condo units are demolished
  - 13 condo units are standing
- Status of the CAs' Condo Units
  - Condo association Section 1- 3 condo units
  - Condo association Section 2- 23 condo units
  - Condo association Section 3- 5 condo units



# CA-Owned Condo Units- 31

Lake Catherine







# Status of Condo Units

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- Condo units are actively being sold
  - Recent condo unit for sale
    - \$95,000
    - *Fabulous end unit condo...completely renovated on the interior*
    - *New drywall, kitchen, bathrooms, AC, electrical panel, tankless water heater, windows, and exterior doors*
  - Two demolished condo units (air) are for sale
    - \$40,000 and \$50,000





# Status of Condo Units

38

## ■ Summary

- The dilapidated buildings in Tymber Skan presented a threat to the residents' safety
- To address the public safety and life safety concerns to residents, Orange County started demolishing the dilapidated buildings in Tymber Skan
  - 41 of 49 buildings were demolished
  - 56 condo units remain
- Through the tax deed process, the County owns 123 condo units
- There are five condo units with a homestead exemption



# Presentation Outline

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- History and Current Conditions
- Status of Condo Units
- **Next Steps**
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- Residents in Tymber Skan live in dire conditions
  - Dilapidated and unsafe buildings
  - Looming threat of water disconnection
  - Condo units without water service
  - Infrequent trash collection
  - Dumping
  - Unmaintained fire hydrants
- Without Orange County's involvement, the residents' living conditions will continue to deteriorate





## Next Steps

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- A thoughtful and compassionate approach is needed to provide long-term solutions to the unsafe and precarious conditions residents endure
- Staff reviewed three options for long-term solutions
  - Status quo
    - Monitor conditions and respond to concerns as needed
  - Foreclose on existing liens
    - Condo units go for bid in a judicial sale
  - Equitable relief and receivership
    - Allows for the sale of the property

- **Status quo**
  - **Monitor existing conditions**
    - Dilapidated and unsafe buildings, looming threat of water disconnection, condo units without water service, infrequent trash collection, dumping, and unmaintained fire hydrants
  - **Review complaints from residents**
  - **Demolish buildings as they become vacant**
    - Demolitions tentatively concluded



## Next Steps

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- **Foreclose on existing liens**

- For this method to be successful, liens would need to be on all 321 condo units
  - 47 condo units do not have active code violation cases or liens
- If the foreclosure process was initiated, no guarantee the property would be aggregated and sold as a whole
  - Interested parties can bid on condo units at the judicial sale
- After the foreclosures are resolved, the property is still subject to the condominium declarations
- Lengthy process
  - Uncontested foreclosure can take 18 to 24 months to resolve
  - Contested foreclosure can take years to resolve



- **Equitable relief and receivership**
  - **Equitable relief**
    - A mechanism to terminate the condo associations
    - Provides a clear path for the property to be sold
  - **Receiver**
    - Acts as a neutral third party to make decisions related to Tymber Skan
      - Has the powers/duties of a constituted CA board of directors
    - Has the authority to manage the sale of the property
  - **The property being sold, and eventually redeveloped, presents the most effective long-term solution to the unsafe and precarious living conditions for residents in Tymber Skan**



# Next Steps

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## ▪ Florida Statutes § § 714 and 718

### –Ch. 714 governs the appointment and requirements of a receiver

- Court-appointed individual/entity with the authority to control and manage Tymber Skan to protect the interests of the property owners and stakeholders
- Act as a neutral third party to make decisions related to Tymber Skan
- Has the powers/duties of a constituted CA board of directors
- Court approval and notice to all parties are required for most significant actions
- Eligible to be awarded receiver fees and expenses for performing the duties

### –Ch. 718- The Condominium Act

- Specifically, § 718.118 allows a condo unit owner to petition the court for equitable relief in the form of termination of the association and partition

# **Next Steps**

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- **Petition for Equitable Termination and Appointment of Receiver**
  - BCC action (resolution) to initiate\*
  - Initiated by filing of a formal civil petition/motion
  - Court has discretion about the appointment
  - Orange County reverts to the role of a condo unit owner in Tymber Skan

\*Not required by Florida Statutes







## Next Steps

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- **Notice Requirements for a Receiver**
  - The CAs and every condo unit owner in Tymber Skan must be given at least 30 days' notice of the intent to apply for receivership
  - Once appointed, the receiver must notify the condo unit owners





## Next Steps

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### ■ Terminating the Condo Associations

- Per Tymber Skan's condo declarations, if at least 80% of the condo units in a section are deemed untenable the CA's may be terminated without unanimous agreement of all unit owners
- Sections 1 and 3 meet this criterion based on the number of condo units demolished or not having water/wastewater
- Section 2- 96 of the 120 condo units (80%) are required to be untenable
  - 70 condo units were demolished (58%)
  - Other considerations for the receiver to request untenable status
    - Delinquent water/wastewater payments
    - Health and safety designation from the Special Magistrate for unmaintained fire hydrants

## ▪ Partition Action

- Once the condo associations in Tymber Skan are dissolved, the receiver can petition the court for a partition action, which forces the sale
- Every property owner receives notice
- Receiver acts as a neutral party throughout the partition action and operates under court supervision
- Once the property is sold, owners are compensated from the proceeds of the sale, based on how many condo/air units they own







# Next Steps

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## ■ Summary

- Since the County is an interested unit owner in Tymber Skan, §718.118 of Florida Statutes provides an avenue to petition the Court for equitable relief in the form of termination of the CAs and partition
- Staff proposes filing a petition for equitable relief to terminate the condo associations
- Staff also proposes a supplemental petition/motion to appoint a receiver to serve as termination trustee, manage any outstanding affairs of the CAs, and to oversee the partition process
- Terminating the condos and utilizing a receiver to manage the partition action to force the sale of the property presents the best options to address the unsafe and precarious conditions there



# Next Steps

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## ▪ Summary (Cont.)

### –Timeline (estimated)

- File petition for equitable termination and receivership- Spring 2025
- Receiver appointed- Spring/Summer 2025
- Condo associations Sections 1, 2, and 3 terminated- Summer/Fall 2025
- Property sold- Winter 2025/Spring 2026





# Presentation Outline

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- History and Current Conditions
- Status of Condo Units
- Next Steps
- **Future Possibilities**
- Lake Catherine Residents' Assistance Plan
- Summary and Requested Action



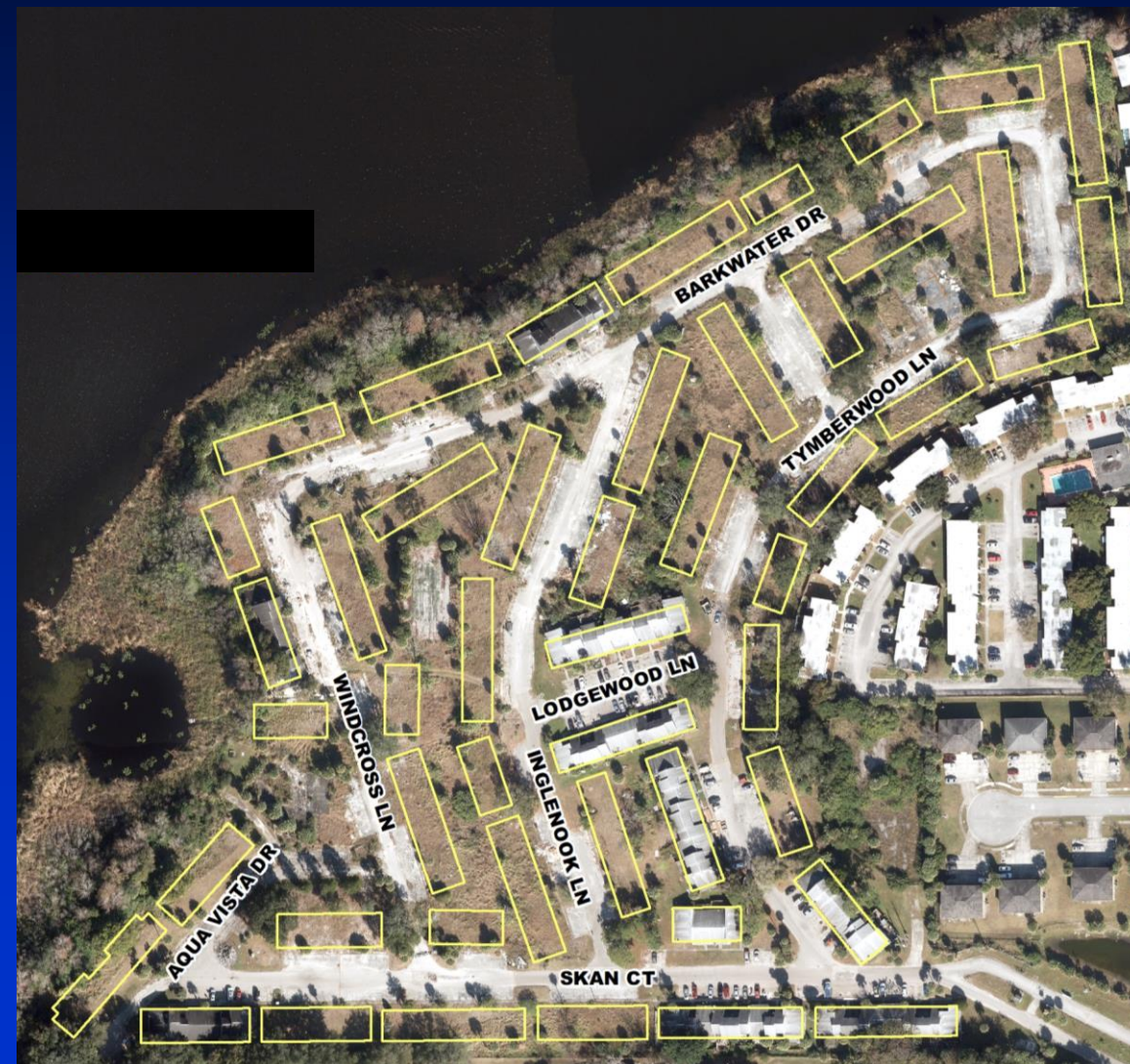




# Future Possibilities

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- **Development Details**
  - 63 acres
  - Located on Lake Catherine
  - Aged and deteriorated infrastructure
- **2024 Tax Data**
  - Estimated taxable value for existing units- \$259,232
  - Taxes assessed- \$4,249





# Future Possibilities

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## ■ Development Details

### —Current Orange County Code

- R-3 Zoning (entitled for 560 dwelling units)
- Medium Density Residential FLU

### —Vision 2050/Orange Code

- Allows a mix of housing types- apartment buildings, townhomes, duplexes, etc.
- Allows for small-scale neighborhood-oriented retail
- Up to 3.5 stories
- Minimum allowed density- 10 units per acre
- Maximum allowed density- 30 units per acre







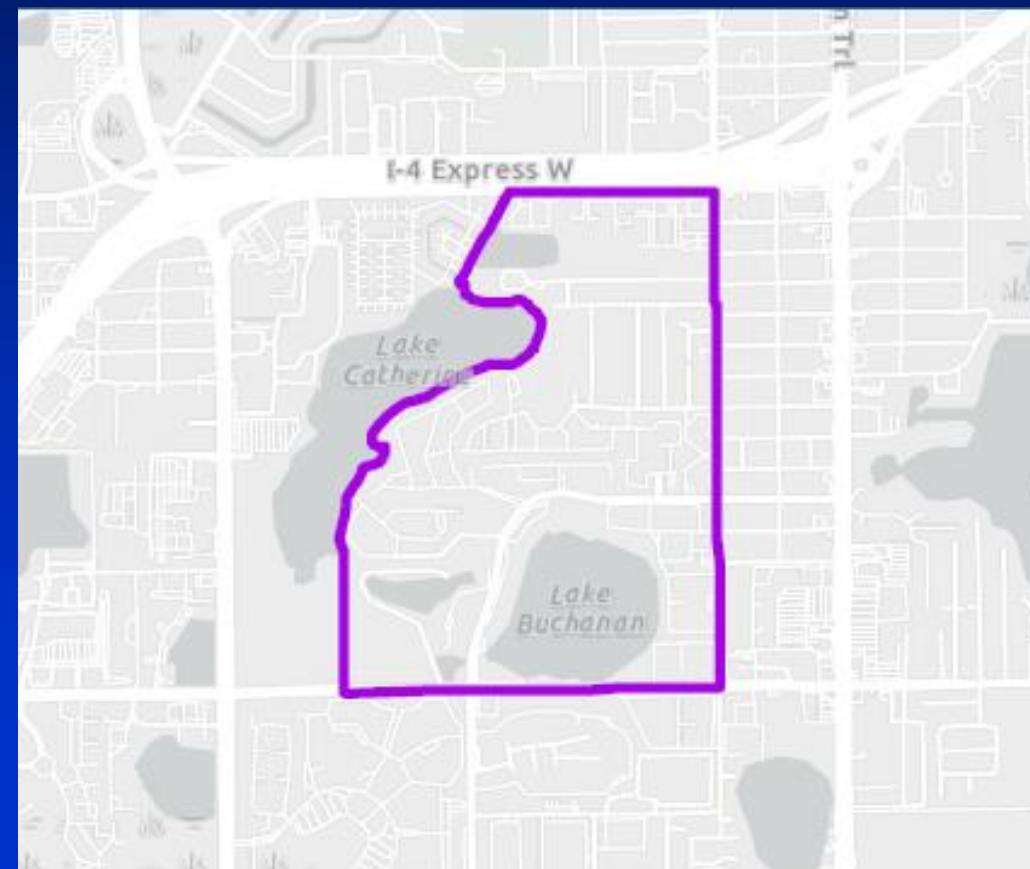


# Future Possibilities

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## ■ Demographic Profile

- Population- 5,473
- Housing units- 2,278
- Median household income- \$28,912
- Unemployment rate- 4.7%
- Bachelor's/graduate/professional degree- 8.6%







# Future Possibilities

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- Real estate market will dictate the value of the property
- Liens, fines, and hard costs provide leverage for Orange County
  - Hard costs- \$3.5 million
  - Fines accrued
- The County can reduce/waive fines and hard costs and release the liens as an incentive for the appropriate future development
- Goals for future development
  - Affordable/mixed income housing
  - Not utilize the maximum allowed density
  - Amenity for the community



# Future Possibilities

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- **New Construction Adjacent to Tymber Skan**
  - San Marino Condominiums
    - A 123-unit condo complex
    - Units starting at \$259,000
    - Project was consistent with future land use and zoning
    - Went straight to permitting







# Future Possibilities

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## ■ Summary

- Property is 63 acres
- The Orange County Code will determine the minimum and maximum allowed density for the property
- Real estate market will dictate the value of the property
- Liens, fines, and hard costs provide leverage for Orange County to ensure the appropriate future development
- The County can reduce/waive fines and hard costs and release the liens as an incentive for the appropriate future development
  - Affordable/mixed income housing
  - Not utilize the maximum allowed density
  - Amenity for the community



# Presentation Outline

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- **Lake Catherine Residents' Assistance Plan**
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# Lake Catherine Residents' Assistance Plan

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- The receiver's work will culminate in the property being sold
  - It could take as long as one year for the property to be sold
- Before the property is sold, residents should be relocated
- Residents will be offered services throughout the process
  - There are 56 condo units potentially occupied
  - Citizen Resource and Outreach case managers will assess the households' needs
  - The type of services will be determined by the households' circumstances



# Lake Catherine Residents' Assistance Plan

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- **Case managers will connect residents to services**
  - **Citizen Resource and Outreach Division- relocation services**
  - **Citizens' Commission for Children Division- Neighborhood Centers for Families**
  - **Community Action Division- Family Self-Sufficiency Program**
  - **Head Start Division**
  - **Orange County Medical Clinic**
  - **Mental Health and Homelessness Division**
  - **External community partners**






# Lake Catherine Residents' Assistance Plan

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## ■ Citizen Resource and Outreach

### —Project lead for the Lake Catherine Residents' Assistance Plan

- Funds social service programs including the Crisis Assistance Program and the Family Resource Program and utilized for special projects
- Office of Tenant Services staff canvassed the community and will serve as liaisons to the residents
  - Staff canvassed on January 22, 23, and 24
  - Flyers left at all 56 condo units (English, Spanish, and Creole)
  - Conversations occurred with representatives from 38 households
- Family Resource Program case managers will be utilized



**PURPOSE OF OUR VISIT**  
On Tuesday, Jan. 28, 2025, at 9 a.m., the Orange County Board of County Commissioners will consider an action that could lead to the sale of Tymber Skan condominium complex, which may require residents to relocate. Due to deteriorating conditions within the complex, Orange County Government is deeply concerned about the health, safety and welfare of all the residents who live here, including yourself. While no immediate changes will occur, this is the beginning of a process that could take several months. We want to assure you that Orange County is committed to offering residents assistance and support during this process. Orange County staff will visit the neighborhood on the following days to speak with residents and will provide an update after the public board meeting at the Orange County Administration Center in downtown Orlando.

**EL PROPÓSITO DE NUESTRA VISITA**  
El martes 28 de enero de 2025, a las 9 a.m., la Junta de Comisionados del Condado de Orange considerará una acción que podría llevar a la venta del complejo de condominios Tymber Skan, lo que podría requerir que los residentes se reubiquen. Debido al deterioro de las condiciones dentro del complejo, el gobierno del condado de Orange está profundamente preocupado por la salud, la seguridad y el bienestar de todos los residentes que viven aquí, usted incluido. Si bien no se producirán cambios inmediatos, este es el comienzo de un proceso que podría llevar varios meses. Queremos asegurarle que el condado de Orange está comprometido a ofrecer a los residentes asistencia y apoyo durante este proceso. El personal del condado de Orange visitará el vecindario en los próximos días para hablar con los residentes y brindará una actualización después de la reunión pública de la junta en el Centro de Administración del Condado de Orange en el centro de Orlando.

**REZON VIZIT NOU AN**  
Nan dat Madi, 28 janvyè 2025, a 9 am, Konsèy Komisyonè Komin Oranj yo pral konsidere pran yon desisyon kap pèmèt yo vann konplèks kondominyòm Tymber Skan nan, ki ka mande pou rezidan yo demenaje. Akòz kondisyon konplèks la ap deteryorasyon, Gouvènman Komin Oranj enkyete anpil sou sante, sekirite ak byennèt tout rezidan kap viv lòt bò a, enkli ou menm. Pandan ke pa gen okenn chanjman imedyata ki pral fèt, sa a se konmansman pwosesis la ki ka pran plizyè mwa. Nou vle asire w ke Komin Oranj pran angajman pou ofri ed ak sipò pou rezidan pandan pwosesis sa a. Anplwaye Komin Oranj yo pral vizite katye a nan jou kap vini yo pou pale ak rezidan yo epi yo va bay rezidan yo enfòmasyon sou sak te pale nan reyinyon konsèy piblik la kap fèt nan Sant Administrasyon Komin Oranj lan ki lokalize nan sant vil Orlando a.

**WED., JANUARY 22  
THUR., JANUARY 23  
FRI., JANUARY 24**

**MIÉRCOLES 22 DE ENERO  
JUEVES 23 DE ENERO  
VIERNES 24 DE ENERO**

**MÈKREDI 22 JANVYÈ  
JEDI 23 JANVYÈ  
VANDREDI 24 JANVYÈ**



# Lake Catherine Residents' Assistance Plan

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- There are approximately 18 owner-occupied condo units in Tymber Skan (5 have a homestead exemption)
- The ongoing issues in Tymber Skan make it difficult for a condo unit owner to sell
- The County will offer to acquire owner-occupied condo units, based on an appraisal
- Real Estate Management worked with a professional appraiser to provide the value of five condo units- \$65,000 each





# Lake Catherine Residents' Assistance Plan

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## ■ Summary

- The conclusion of this process could take at least one year, which provides an opportunity for the County to work with residents and offer services
- Office of Tenant Services will serve as the first point of contact for the residents and liaison to Orange County
- Case managers will connect residents to services
  - The County will offer to acquire owner-occupied condo units, based on an appraisal
- The Citizen Resource and Outreach Division is experienced in working with residents facing challenging circumstances



# Lake Catherine Residents' Assistance Plan

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- **Key Dates for Tymber Skan's Residents (estimated)**
  - Staff canvassed Tymber Skan- Week of 1/20/2025
  - BCC Meeting- 1/28/2025
  - Services to residents available- 1/28/2025
  - File petition for equitable termination and receivership- Spring 2025
  - Receiver appointed- Spring/Summer 2025
  - Condo associations Sections 1, 2, and 3 terminated- Summer/Fall 2025
  - Property sold- Winter 2025/Spring 2026





# Presentation Outline

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- Tymber Skan on the Lake has been plagued by public safety concerns and residents there live in unsafe and precarious conditions
- Buildings are dilapidated, condo units without water service, most of the buildings are demolished, Orange County owns 38% of the condo units, fire hydrants are unmaintained, and dumping
- Orange County understands the plight of the existing residents and realizes a thoughtful and compassionate approach is needed to provide a long-term solution
- Staff reviewed the following options as long-term solutions: status quo, foreclosing on existing liens, and terminating the condo associations/utilizing a receiver





## Purpose (Cont.)

69

- As the most effective long-term solution, staff proposes to terminate the condo associations and utilize a receiver to manage the partition action to force the sale of the property
- The conclusion of this process could take at least one year, which provides an opportunity for the County to work with residents and offer services
- The requested action is for authority to terminate Tymber Skan's condo associations, petition for a receiver, and support for the Lake Catherine Resident Assistance Plan



## Requested Action

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**Approval and execution of the Resolution of the Orange County Board of County Commissioners regarding the authority to seek termination of the condominium associations for Tymber Skan on the Lake, A Condominium, Master Association and Sections One, Two, and Three; authorization for the County Attorney's Office to file a petition for a receivership for Tymber Skan on the Lake Condominiums and support for the Lake Catherine Resident Assistance Plan. District 6. (Neighborhood Services Division).**