

BCC Mtg. Date: April 9, 2019

**RESOLUTION
OF THE
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
REGARDING
ADOPTING THE SECOND AMENDMENT ("SECOND
AMENDMENT")
TO THE RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS
(ORIGINALLY ADOPTED MAY 21, 2002,
FIRST AMENDMENT ADOPTED MARCH 24, 2015)
REGARDING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR GENERAL LAKE CLEANING, WATER QUALITY
IMPROVEMENT, MAINTENANCE
AND AQUATIC PLANT CONTROL SERVICES FOR**

**Lake McCoy
11/2019**

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County, Florida the power to establish Municipal Service Benefit Units ("MSBU") for any part of the unincorporated areas of Orange County, Florida (the "County"); and

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

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

WHEREAS, the Board established an MSBU by resolution adopted on **May 21, 2002** recorded in Official Records Book **6541**, Pages **1578 through 1581**, Public Records of Orange County, Florida ("Original Resolution"), as amended on **March 24, 2015** and recorded in Document Number **20150166760**, Book **10898**, Page **8380**, Public Records of Orange County, Florida ("First Amendment," and together with the Original Resolution, the "Resolution"); and

WHEREAS, the Board has received a request from the Orange County Environmental Protection Division ("EPD") to modify the MSBU boundaries in that portion of the County known as Lake McCoy to include that certain benefited property located in the City of Apopka and more particularly described in Exhibit "C" and Exhibit "D" attached to this Second Amendment ("Apopka Property); and

WHEREAS, the City of Apopka ("City") intends to pass an ordinance ("Ordinance") consenting to the modification of the Lake McCoy MSBU boundaries to include the Apopka Property as set forth in this Second Amendment and the levy of special assessments on the Apopka Property in order to pay for a portion of the costs of general cleaning of Lake McCoy and aquatic plant control services for Lake McCoy; and;

WHEREAS, the Board hereby find that the boundaries of the Lake McCoy MSBU should be modified and that the Resolution should be amended; and;

RECORDING DEPARTMENT: RETURN TO FINANCE & ACCOUNTING SPECIAL ASSESSMENTS

WHEREAS, in accordance with Section 197.3632, Florida Statutes, the County published notice of intent of its intent to use the uniform method of collecting special assessments on property within the Lake McCoy MSBU on January 27, 2019, February 3, 2019, February 10, 2019 and February 17, 2019 and adopted a resolution stating its intent to do so on February 26, 2019.

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 Second Amendment.
2. Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D" and Exhibit "E" attached to the First Amendment are hereby deleted in their entirety and replaced with the versions of **Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D" and Exhibit "E"** attached to this Second Amendment. The Resolution is hereby amended to expand the boundaries of the MSBU to include and assess all properties described on **Exhibit "A" and Exhibit "C"** for metes and bounds parcels and **Exhibit "B" and Exhibit "D"** for certain subdivisions. **Exhibit "E"** provides a map of the area that surrounds Lake McCoy.
3. Each property owner affected by this Second Amendment 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 Second Amendment has been provided first class mail notice of the time and place of the public hearing at which this Second Amendment 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 the County four times preceding the public hearing.
4. The Board shall also enter into a separate agreement with the City, which agreement shall set forth in greater detail the terms, conditions and procedures which will be used to implement and administer the MSBU. In the event of a termination of that agreement, the County will continue to collect the MSBU revenues and will continue to provide or cause to be provided the general lake cleaning maintenance and aquatic plant control for Lake McCoy.
5. Except as herein specifically provided all the remaining terms and conditions of the Resolution shall remain in full force and effect.
6. The Second Amendment shall take effect upon the later of: (a) adoption by the Board, or (b) enactment of the Ordinance by the City (the "Effective Date"). From and after the Effective Date, the Resolution shall apply to all properties described on "**Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D"**".

ADOPTED THIS _____ DAY OF APR 09 2019, 2019

ORANGE COUNTY, FLORIDA

BY: *Byron W. Brooks*
for ORANGE COUNTY MAYOR

DATE: 10 April 2019



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

BY: *Craig A. Stosyja*
for DEPUTY CLERK

Lake McCoy
Exhibit "A" – Parcels

Parcel ID Number	Parcel Legal Description
02-21-28-8308-00-026	SUB STEWART HOMESTEAD MISC 3/398 THE E 180 FT OF SE1/4 OF SE1/4 (LESS S 500 FT & LESS R/W ON S) & N 290 FT OF W 180 FT OF E 360 FT OF SE1/4 OF SE1/4 BEING PT OF LOT 2 2337/657 IN SEC 3-21-28 SE1/4 & COMM NW COR OF SE1/4 OF SE1/4 OF SEC 03-21-28 RUN S89-49-34E 974.81 FT TO POB TH RUN N36-05-26W 645.96 FT BEING NW COR OF LOT 13 WEKIVA LANDING 14/43 S41-00-00E 689.61 FT N89-49-34W 73.68 FT M/L TO POB
02-21-28-8308-00-028	SUB STEWART HOMESTEAD MISC 3/398 FROM SE COR OF SE1/4 OF SE1/4 OF SEC 03-21-28 RUN W 180 FT N 620 FT FOR POB TH N 120 FT W 180 FT N 580 W 100 FT S 700 FT E 280 FT TO POB & COMM NW COR OF SE1/4 OF SE1/4 OF SEC 3-21-28 TH S89-49-34E 874.81 FT TO POB N28-14-17W 592.11 FT BEING NW COR OF LOT 13 WEKIVA LANDING 14/43 TH S36-05-26E 645.96 FT N89-49-34W 100 FT TO POB
02-21-28-8308-00-034	SUB STEWART HOMESTEAD MISC 3/398 FROM SE COR OF SE1/4 OF SE1/4 OF SEC 3-21-28 RUN W 180 FT N 590 FT FOR POB TH N 30 FT W 280 FT N 700 FT W 136.15 FT S 730 FT E 415.55 FT TO POB & COMM NW COR OF SE1/4 OF SE1/4 OF SEC 3-21-28 RUN S89-49-34E 738.66 FT TO POB N15-24-17W 540.24 FT BEING NW COR OF LOT 13 WEKIVA LANDING 14/43 RUN S28-14-17E 592.11 FT N89-49-34W 136.15 FT TO POB
03-21-28-0000-00-008	BEG SW COR OF NE1/4 OF SE1/4 RUN N 49 DEG E TO SW COR LOT 13 WEKIVA LANDING SUB 14/43 RUN S 15 DEG E 540.24 FT W TO POB IN SEC 03-21-28
03-21-28-0000-00-041	W1/2 OF NW1/4 OF SE1/4 SEC 03-21-28 (LESS N 1000 FT)
03-21-28-0000-00-080	BEG SE COR OF NW1/4 OF SE1/4 RUN W 660 FT N 320 FT E 1048.86 FT S 49 DEG W 500 FT TO POB IN SEC 03-21-28 SEE 2674/578

Lake McCoy
Exhibit "B" – Subdivisions

Subdivision Name	Plat Book / Pages	Section Township Range Subcode	Lot Numbers
Camelot	1/116	03-21-28-1137	Lots 7 through 11 05
Oaks on the Lake	20/11	03-21-28-6137	Lots 10 and 11 02 Tract C 00
Oakwater Estates	18/61-62	03-21-28-6131	Lots 1 through 26 26 Lots 28 and 29 02 Tract C 00
Wekiva Landing Sub	14/43-44	02-21-28-9090	Lots 13 through 21 09 Tract B 00
Wekiva Landing Partial Replat	23/77	02-21-28-9091	Lot 2 01

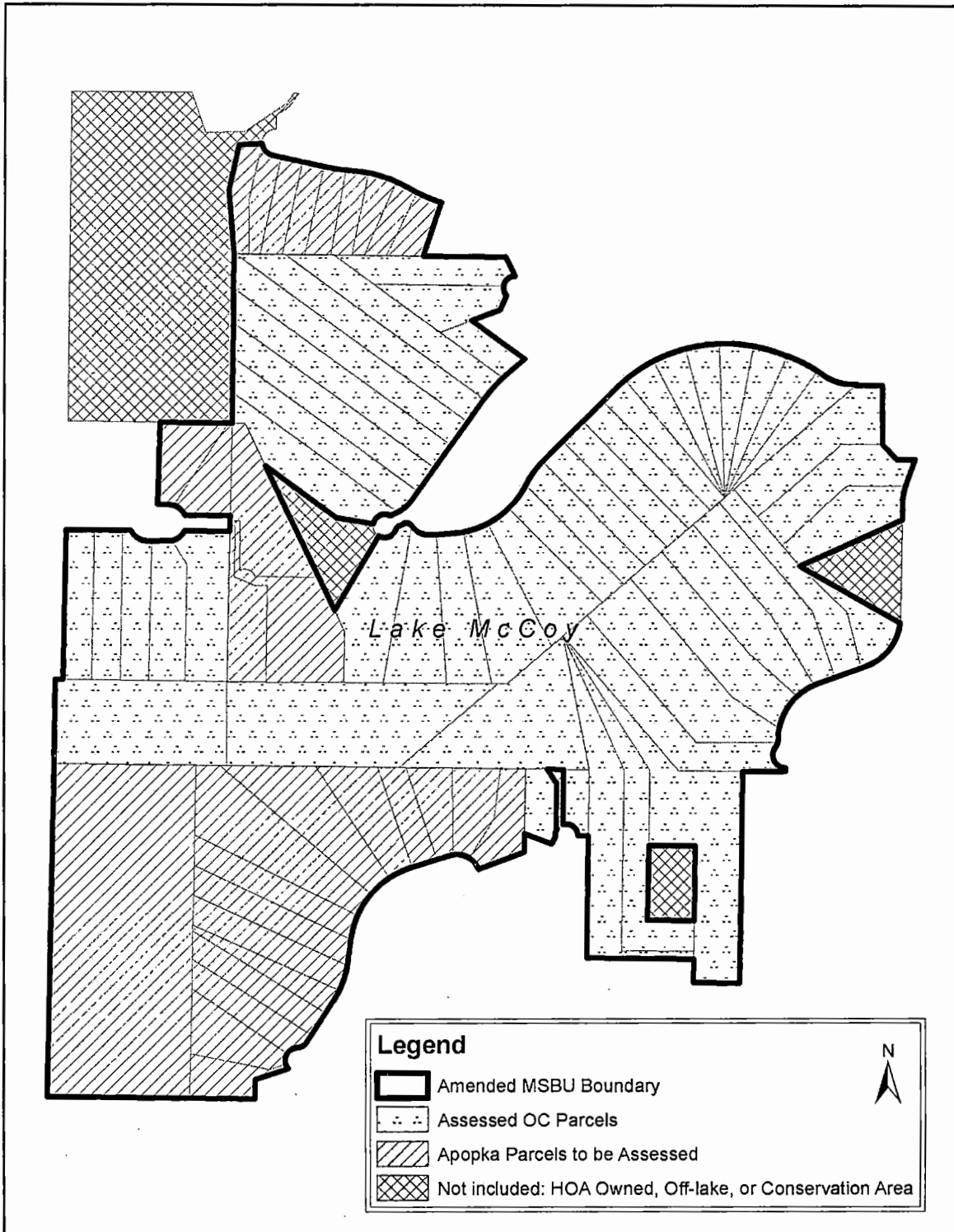
Lake McCoy
Exhibit "C" – Parcels in Apopka

Parcel ID Number	Parcel Legal Description
03-21-28-0000-00-024	PT OF E1/2 OF NW1/4 OF SE1/4 OF SEC 03-21-28 DESC AS BEG SE COR OF LOT 6 CAMELOT 1/116 TH N00-06-50E 355.14 FT TH S89-36-40E 50 FT TH S26-08-12E 655.23 FT TH W 238.17 FT TO NON-TANGENT CURVE CONCAVE SLY CHORD N71-16-01W 65.05 FT RAD 44 FT FOR 73.20 FT TH N00-06-50E 192.54 FT TH W 40 FT TH N00-06-20E 20 FT TO POB
03-21-28-0000-00-026	SW1/4 OF SE1/4 (LESS S 30 FT THEREOF FOR RD RW) & (LESS THAT PART KNOWN AS LAKE MCCOY FOREST 9/28) SEC 03-21-28
03-21-28-0000-00-117	PT OF E1/2 OF NW1/4 OF SE1/4 OF SEC 03-21-28 DESC AS COMM SE COR OF LOT 6 CAMELOT 1/116 TH S00-06-50W 20 FT TO POB TH CONT S00-06-50W 20 FT TH S89-53-10E 20 FT TH S00-06-50E 195.92 FT TH S68-08-13E 87.96 FT TH S89-58-25E 47.79 FT TH S00-01-35W 376.27 FT TH S89-56-39E 292.68 FT TH N00-31-49E 200 FT TH N26-08-12W 236 FT TH W 238.17 FT TO NON-TANGENT CURVE CONCAVE SLY CORD N71-16-01W 65.05 FT RAD 44 FT LENGHEH 73.20 FT TH N00-06-50E 192.54 FT TH W 40 FT TO POB
03-21-28-0000-00-118	PT OF E1/2 OF NW1/4 OF SE1/4 OF SEC 03-21-28 DESC AS COMM SE COR LOT 6 CAMELOT 1/116 TH S00-06-50W 40 FT TO POB TH S89-53-10E 20 FT TH S00-06-50E 195.92 FT TH S68-08-13E 87.96 FT TH S89-58-25E 47.79 FT TH S00-01-35W 376.27 FT TH N89-56-39W 150.06 FT TH N00-06-50E 604.86 FT TO POB

Lake McCoy
Exhibit "D" – Subdivisions in Apopka

Subdivision Name	Plat Book / Pages	Section Township Range Subcode	Lot Numbers
Camelot	1/116	03-21-28-1137	Lots 5 and 6 02
Lake McCoy Forest	9/28	03-21-28-4670	Lots 6 through 20 15
Lakeshore of Wekiva	Apopka	03-21-28-4835	Lots 29 through 37 09

Lake McCoy Exhibit "E"



Date: 2/28/2019