

BCC Mtg. Date: May 23, 2017

**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
AMENDING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR MAINTENANCE OF
RETENTION PONDS
IN**

**Wyndham Lakes Estates Area
11/2017**

**with County Dedicated Ponds and
Ponds with County Dedicated Easements**

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to amend Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated areas of Orange 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, (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, by the Resolution dated April 26, 2017, the Board established the Wyndham Lakes Estates Area 11/2016 Municipal Service Benefit Unit (hereinafter known as the "MSBU") for maintenance of retention ponds (hereinafter known as the "Resolution)", said resolution being recorded as Official Records Document Number 20160237201, Public Records of Orange County, Florida; and

WHEREAS, the County has received a request, in writing, from Patrick Rob Bonin and Keith Malcuit (hereinafter known as the "Developer") of Lennar Homes, LLC for the amendment of such Resolution to combine and include the subdivisions which are more fully described as shown in Exhibit "A" of this resolution and in that portion of the unincorporated area of Orange County; and

WHEREAS, the Board has determined that the amendment of the MSBU, the purpose of which is to combine and include the subdivisions which are more fully described in Exhibit "A" of this resolution to provide for minimum maintenance **of the Wyndham Lakes Estates Homeowners Association, Inc. (hereinafter known as the " Association") owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 63, Pages 29 through 38 for Wyndham Lakes Estates Unit 1 and in the Notes on Page 29 which states "Tracts A, E, E2, I, K, L, O and P (Stormwater Management Areas) are Common Areas and shall be owned and maintained by Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over each Tract."**, to provide for minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 69, Pages 20 through 27 for Wyndham Lakes Estates Unit 2 and in the Notes on Page 20 which states "Notes: 4. Tracts AA, BB, CC, HH, II, LL, NN, PP, VV, Y and Z

RECORDING DEPARTMENT: RETURN TO FINANCE & ACCOUNTING SPECIAL ASSESSMENTS

(Stormwater Management Areas) are Common Areas and shall be owned and maintained by Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over each Tract.", to provide minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 73, Pages 28 through 35 for Wyndham Lakes Estates Unit 4 and in the Notes on Page 28 which states "Notes: 3. Tracts TTT and WW (Stormwater Management Areas) are Common Areas and shall be owned and maintained by Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over each Tract.", to provide minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 78, Pages 25 through 28 for Wyndham Lakes Estates Unit 6 and in the Notes on Page 25 which states "Notes: 5. Tract B (Stormwater Management Area) is a Common Area and shall be owned and maintained by Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over Tract B", to provide minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 80, Pages 78 through 82 for Wyndham Lakes Estates Phase 3C and in the Notes on Page 80 which states "Notes: 3. Tract C (Stormwater Management Area) is a Common Area and shall be owned and maintained by the Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over the entire Tract.", and to provide minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 82, Pages 97 through 99 for Wyndham Lakes Estates Phase 6A and in the Notes on Page 97 which states "Notes: 3. Tract F (Stormwater Management Area) is a Common Area and shall be owned and maintained by Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County.", and to provide minimum maintenance of the Association owned retention ponds with drainage easements dedicated to Orange County noted in Plat Book 84, Page 21 Wyndham Lakes Estates Phase 3D and in the Notes on Page 21 which states "Surveyor's Notes "5. Tract "A" and Tract "B" (Stormwater Management Areas) shall be owned and maintained by the Wyndham Lakes Estates Homeowners Association, Inc. with a drainage easement dedicated to Orange County over the entire Tract.", Public Records of Orange County, Florida, together with the other information pertaining to the operation of the amended MSBU submitted therewith, to be feasible, necessary to facilitate the services desired, and in the public interest, and that the properties within Wyndham Lakes Estates subdivisions as shown in Exhibit "A" of this resolution will be benefited, now and in the future, and that the MSBU should be amended; and

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 the resolution.
2. The **Wyndham Lakes Estates Area 11/2016** Resolution for maintenance of retention ponds, which is recorded as Official Records Document number **20160237201**, Public Records of Orange County, Florida, is hereby amended as the **Wyndham Lakes Estates Area 11/2017** 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, the boundaries of which appear on the recorded plats of **Wyndham Lakes Estates** subdivisions, Plat Books, Pages, Sections, Townships, Ranges, and Lots as shown in **Exhibit "A"** of this resolution, Public Records of Orange County, Florida. The purpose of such MSBU is to provide for collection and disbursement by the County of such funds to be used by the County as may be necessary for the payment of administrative costs and appropriate reserves for cash balance and the minimum maintenance services to be performed on the retention ponds located on Tracts of **Wyndham Lakes Estates** subdivisions, as shown in **Exhibit "C"** of this resolution, which ponds have been dedicated to Orange County on the plats thereof and constructed in accordance with standards approved by the Orange County Public Works Division and on Tracts of **Wyndham Lakes Estates** subdivisions, as shown in **Exhibit "B"** of this resolution, which ponds are owned by the Association and have easements dedicated to Orange County on the plats thereof and constructed in accordance with standards approved by the Orange County Public Works Division. The Developer and the Association understands that this MSBU is created solely for the purpose of maintaining the retention ponds located on Tracts, as shown in Exhibit "B" and Exhibit "C" of this resolution, of Wyndham Lakes Estates subdivisions as shown in Exhibit "A" of this resolution, and that no other ponds or infrastructure improvements located within the Wyndham Lakes Estates subdivisions as shown in Exhibit "A" of this resolution may be maintained, constructed, reconstructed, improved, or repaired with the non-ad valorem special assessments collected from this MSBU and used by the County.

3. The County shall perform or cause to be performed minimum maintenance services on Tracts of **Wyndham Lakes Estates** subdivisions, as shown on Exhibit "C" of this resolution, which ponds have been dedicated to Orange County on the plats in the retention pond areas, which maintenance shall be limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention ponds. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described herein.

4. The County shall perform or cause to be performed minimum maintenance services on Tracts of **Wyndham Lakes Estates** subdivisions, as shown on Exhibit "B" of this resolution, which ponds are owned by the Association and have easements dedicated to Orange County on the plats in the retention pond areas, which maintenance may include but not limited to mowing, weed control, mosquito control, maintenance and repair of the structural integrity of control devices, and periodic major repairs and improvements to the retention area, and/or equipment/tools and their maintenance and replacement needed for services described herein. Such maintenance shall not include curb and paved roadway maintenance and repair, signage maintenance and repair, or maintenance of or replacement of landscaping improvements. The County may subcontract with any party for the performance of the maintenance services described.

5. Upon completion of construction of the retention ponds and the placement of those ponds into operation, the Board shall determine the estimated non-ad valorem special assessment amount required to pay the expense of maintaining and operating the retention ponds in the MSBU. This non-ad valorem special assessment is levied for the first time as of **November 1, 2017**, and will be levied each and every year thereafter until discontinued by the Board. The Board may increase or decrease the amount of the non-ad valorem special 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 revenues generated by the non-ad valorem special assessments. It is the intent of the County that the Uniform Method for the levy, collection, and enforcement of non-ad

valorem special assessments, as Section 197.3632, Florida Statutes, grants, shall be used for collecting the non-ad valorem special 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 special assessments subject to the provision of Section 197.3632, Florida Statutes, and for the amendment 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 and a cash reserve for periodic major repairs and improvements to the retention ponds. 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 non-ad valorem special assessments have been collected. The estimated annual cost of operating, maintaining, and administering the MSBU, including the amendment and maintenance of an appropriate reserve for cash balance and periodic major repairs and improvements as needed on a rotation basis established by Public Works, is **\$113,568.00**, and the estimated annual non-ad valorem special assessment to each freeholder is **\$78.00**. Proceeds of collection of such non-ad valorem special assessments as provided hereinafter are to be 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.

6. Upon completion of construction of the retention ponds and the placement of those ponds 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 necessary to pay the estimated expense of the maintenance of the retention ponds and the administration of the MSBU. 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 toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessments upon the non-ad valorem special 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 non-ad valorem special assessment 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 said 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 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. From the proceeds of said non-ad valorem special assessments, the Board shall pay the costs of 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 special assessments, Section 197.3632, Florida Statutes, shall be used.

7. 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 non-ad valorem special 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. If a contract is signed between a subcontractor for maintenance service and Orange County, the effective date of enactment of the contract will coincide with the receipt of the collection of the MSBU non-ad valorem special assessments.

8. 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 non-ad valorem special assessments.

9. 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.

10. It is understood and agreed between the County and the Developer that (if applicable) as the Wyndham Lakes Estates subdivisions expand, the additional Additions, Phases, Sections, Units, and/or etc., as the case may be, 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.

11. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

12. This resolution which amends and restates the resolutions recorded as Official Records Document Number 20160237201, is controlling and supersedes the resolutions recorded as Official Records Document Number 20160237201; Public Records of Orange County, Florida.

ADOPTED THIS _____ DAY OF MAY 23 2017, 2017

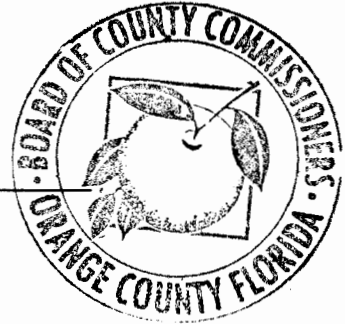
ORANGE COUNTY, FLORIDA

BY: *B. J. Dakeenda*
ORANGE COUNTY MAYOR

DATE: 5.24.17

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

BY: *Craig A. Stopyna*
for DEPUTY CLERK



Wyndham Lakes Estates Area
Subdivisions
Exhibit "A"

Subdivision Name	Section Township Range Subcode	Plat Book / Page(s)	Property Boundaries	# of Lots / Parcels
Wyndham Lakes Estates Unit 1	32-24-30-9623	63/29-38	Lots 1-50 Block 1 Lots 1-130 Block 2 Lots 1-71 Block 3 Lots 1-132 Block 4	383
Wyndham Lakes Estates Unit 2	32-24-30-9624	69/20-27	Lots 1-105 Block 5 Lots 1-125 Block 6 Lots 1-122 Block 8 Tract OO Future Development Tract T Future Development	105 125 122 0 2
Wyndham Lakes Estates Unit 3	32-24-30-9625	76/95-97	Lots 66-104 Block 6	39
Wyndham Lakes Estates Unit 4	32-24-30-9626	73/28-35	Lots 1-122 Block 9 Tract F – N/C (\$100) Future Development	122 0

Wyndham Lakes Estates Area
Subdivisions
Exhibit "A"

Subdivision Name	Section Township Range Subcode	Plat Book / Page(s)	Property Boundaries	# of Lots / Parcels
Wyndham Lakes Estates Unit 5 (Replatted as Unit 7)	32-24-30-9627	80/20-24	Lots 1-6 Block 1 Lots 7-12 Block 2 Lots 13-18 Block 3 Lots 19-24 Block 4 Lots 25-30 Block 5 Lots 31-36 Block 6 Lots 37-42 Block 7 Lots 43-48 Block 8 Lots 49-52 Block 9 Lots 53-58 Block 10 Lots 59-64 Block 11 Lots 65-70 Block 12 Lots 71-74 Block 13 Lots 75-80 Block 14 Lots 81-84 Block 15 Lots 85-90 Block 16 Lots 91-96 Block 17 Lots 97-102 Block 18 Lots 103-108 Block 19 Lots 109-112 Block 20 Lots 113-118 Block 21 Lots 119-124 Block 22 Lots 125-128 Block 23 Lots 129-134 Block 24 Lots 135-138 Block 25 Lots 139-144 Block 26 Lots 145-150 Block 27 Lots 150-154 Block 28	0
Wyndham Lakes Estates Unit 6	32-24-30-9628	78/25-28	Lots 1-105 Block 7 Tract C Future Development	105 0
Wyndham Lakes Estates Unit 7 (Replat of Unit 5)	32-24-30-9630	80/131-135	Lots 1-6 Block 1 Lots 7-12 Block 2 Lots 13-18 Block 3 Lots 19-24 Block 4 Lots 25-30 Block 5 Lots 31-36 Block 6 Lots 37-42 Block 7 Lots 43-48 Block 8 Lots 49-52 Block 9 Lots 53-58 Block 10 Lots 59-64 Block 11 Lots 65-70 Block 12 Lots 71-74 Block 13 Lots 75-80 Block 14 Lots 81-84 Block 15	154

Wyndham Lakes Estates Area
Subdivisions
Exhibit "A"

Subdivision Name	Section Township Range Subcode	Plat Book / Page(s)	Property Boundaries	# of Lots / Parcels
			Lots 85-90 Block 16 Lots 91-96 Block 17 Lots 97-102 Block 18 Lots 103-108 Block 19 Lots 109-112 Block 20 Lots 113-118 Block 21 Lots 119-124 Block 22 Lots 125-128 Block 23 Lots 129-134 Block 24 Lots 135-138 Block 25 Lots 139-144 Block 26 Lots 145-150 Block 27 Lots 150-154 Block 28	
Wyndham Lakes Estates Phase 3C	32-24-30-9629	80/78-82	Lots 1 through 59	59
Wyndham Lakes Estates Unit 6A	32-24-30-9631	82/97-99	Lots 1 through 72	72
Wyndham Lakes Estates Phase 3D	32-24-30-9632	84/21-24	Lots 1 through 86	86
Wyndham Lakes Estates Phase 5N A Replat	33-24-30-9633	88/60-62	Lots 1 through 16 Lots 23 through 82	16 60
Wyndham Lakes Estates Phase 5N Amendment A Replat	33-24-30-9634	89/80	Lots 17 through 22	6
Total				1,456

Wyndham Lakes Estates Area
Ponds with County Dedicated Easements
Exhibit "B"

Subdivisions	Plat Book / Page	Section Township Range Subcode	Retention Tracts / Stormwater Management Areas
Wyndham Lakes Estates Unit 1	63/29-38	32-24-30-9623	Tract A Tract E Tract E2 Tract I Tract K Tract L Tract O Tract P
Wyndham Lakes Estates Unit 2	69/20-27	32-24-30-9624	Tract AA Tract BB Tract CC Tract HH Tract II Tract LL Tract NN Tract PP Tract VV Tract Y Tract Z
Wyndham Lakes Estates Unit 3	76/95-97	32-24-30-9625	N/A
Wyndham Lakes Estates Unit 4	73/28-35	32-24-30-9626	Tract TTT Tract WW
Wyndham Lakes Estates Unit 5	80/20-24	32-24-30-9627	Replatted Now Known As Unit 7
Wyndham Lakes Estates Unit 6	78/25-28	32-24-30-9628	Tract B
Wyndham Lakes Estates Unit 7	80/131-135	32-24-30-9630	N/A
Wyndham Lakes Estates Phase 3C	80/78-82	32-24-30-9629	Tract C
Wyndham Lakes Estates Unit 6A	82/97-99	32-24-30-9631	Tract F
Wyndham Lakes Estates Phase 3D	84/21-24	32-24-30-9632	Tract A and B

Wyndham Lakes Estates Area
County Dedicated Ponds
Exhibit "C"

Subdivisions	Plat Book / Page	Section Township Range Subcode	Retention Tracts / Stormwater Management Areas
Wyndham Lakes Estates Phase 5N	88/60-62	33-24-30-9633	Tract E