



OFFICE OF COMPTROLLER

INTEROFFICE MEMO

ORANGE
COUNTY
FLORIDA

02-25-19P12:15 RCVD
02-25-19P12:58 RCVD

Phil Diamond, CPA
County Comptroller
Finance and Accounting Department
Special Assessments
PO Box 38
Orlando, FL 32802
Telephone: 407-836-5770
Fax: 407-836-5753

Date: February 16, 2019
To: Katie Smith, Deputy Clerk
Through: Cheryl Gillespie, Agenda Development
From: Eric Gassman, Chief Deputy Comptroller
Contact: Ann Dawkins, 407-836-5770
Subject: Request Number **M19-017** for an MSBU for **Oakland Place – Windermere Heights 2nd Section and Windermere Heights 3rd Section**

Applicant: Frank Yokiel
Orange County Public Works Traffic Engineering

Type of Hearing: To establish a Municipal Service Benefit Unit (MSBU) for one time only speed hump installation.

Hearing Required by F. S.# Florida Statute Sections 125.01 (01) (q) and 197.3632. This public hearing may be scheduled any time prior to May 31, 2019. **The resolution must be approved by May 31, 2019 to be included on the November 2019 real estate tax bill.**

Advertising Requirements / Timeframe: **Publish only one (1) time and must be published at least twenty (20) days prior to the public hearing with the tentative advertisement date as Sunday, March 17, 2019.**

Notify Abutters: Special Assessments will mail public hearing notices to all of the affected property owners.

Estimated Time Required: One (1) minute

District: Commissioner VanderLey, District 1

Hearing Controversial: No.

LEGISLATIVE FILE # 19-356

Katie Smith, Deputy Clerk .

Request for Oakland Place – Windermere Heights 2nd Section and Windermere Heights 3rd Section

February 16, 2019

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Report: The property owners and Orange County Public Works Traffic Engineering Department have requested the establishment of an MSBU for speed hump installation. A total of **22** ballots were mailed to property owners to determine majority opinion. Approximately **81.2%** of the ballots returned were in favor of the establishment of the MSBU. The ballot detail is as follows:

<u>In favor of the MSBU</u>	13
<u>Not in favor of the MSBU</u>	3
Returned <u>Undeliverable</u>	0
Returned After Deadline	0
No Ballot Submitted	<u>6</u>
Total Ballots Distributed	28

The one-time cost for this MSBU is **\$169.00** per lot. This MSBU would be effective **November 1, 2019**.

Materials being submitted as backup for public hearing request:

1. Resolution – one (1) copy of the proposed resolution for speed hump installation.

ADDITIONAL SPECIAL INSTRUCTIONS TO CLERK:

1. Notify Special Assessments Section / Finance and Accounting Department of public hearing date(s) to prepare public hearing notice. Special Assessments will e-mail the public hearing notice to the Clerk.
2. **Send the original adopted resolution(s) to the Special Assessments Section / Finance and Accounting Department.**
3. Send 1 (one) certified copy of the adopted resolution(s) to the Special Assessments Section / Finance and Accounting Department.

**RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
ESTABLISHING A
MUNICIPAL SERVICE BENEFIT UNIT
FOR INSTALLING SPEED HUMPS FOR**

**Oakland Place
Windermere Heights 2nd Section and
Windermere Heights 3rd Section
11/2019**

WHEREAS, Section 125.01 (l) (q), Florida Statutes, grants Orange County, Florida ("County") the power to establish a Municipal Service Benefit Unit ("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 special 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 pursuant to its charter; and

WHEREAS, the County has received a request, in writing from the property owners of Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions for the establishment of such an MSBU to provide for the capital costs of installing speed humps by imposing special assessments against property benefited by the improvements in that portion of the unincorporated area of Orange County to be known as Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions and which is more fully described below; and

WHEREAS, the Board has, pursuant to notice duly given both by mail and by publication, held a hearing at which all interested persons who appeared were heard or given an opportunity to be heard as to (a) the desirability of undertaking the improvements hereinafter described, (b) the desirability of defraying the cost thereof through special assessments, (c) the amount by which each lot or parcel of real estate which is more fully described below will be benefited by the speed humps, and (d) the amount to be assessed against each benefited property; and

WHEREAS, the Board has determined that the request of the property owners of Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions, together with the other information pertaining to the speed humps, to be feasible, necessary to facilitate the services desired, and in the interest of the public health and safety, the improvements to Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions which is more fully described below should be made, and that the properties will be benefited, now and in the future, and that the MSBU should be created; and

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

RECORDING DEPARTMENT: RETURN TO FINANCE AND ACCOUNTING SPECIAL ASSESSMENTS

Section 1. Creation of MSBU.

There is hereby established and created the **Oakland Place - Windermere Heights 2nd Section and Windermere Heights 3rd Section 11/2019 MSBU**, subject to final adjustment and approval as provided for in Section 197.3632, Florida Statutes, the boundaries of which appear on the recorded plats of **Windermere Heights 2nd Section** subdivision, Plat Book **M**, Pages **6**, Lots as shown in **"Exhibit A"** Section **15**, Township **23**, Range **28**, Public Records of Orange County, Florida and **Windermere Heights 3rd** subdivision, Plat Book **M**, Page **18**, Lots as shown in **"Exhibit A"** Section **15**, Township **23**, Range **28**, Public Records of Orange County, Florida. The purpose of this MSBU is to provide for collection and disbursal by Orange County of such funds as may be necessary to reimburse Orange County for expenditures made for installing speed humps in a portion of Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions. It is understood and agreed that this MSBU is created solely for the purpose of payment to cover the costs associated with installing the speed humps in Windermere Height 2nd Section and Windermere Height 3rd Section.

Section 2. The Project.

- (a) Nature of Improvement. The following project to be paid for (either partially or in full) from special assessment proceeds is installing **two (2) speed humps** in a portion of Windermere Heights 2nd Section and Windermere Heights 3rd subdivisions in accordance with the Resolution approved by the Orange County Board of County Commissioners on April 15, 1994.
- (b) Location of Project. These improvements in a portion of Windermere Heights 2nd Section and Windermere Heights 3rd subdivisions shall be made on Oakland Place – between Dr. Phillips Blvd. and Washington Ave. The locations have been determined by the Orange County Public Works Traffic Engineering Department.
- (c) Estimated Capital Cost. The estimated capital cost of installing the two (2) speed humps is **\$7,000.00 with Orange County paying 50% (\$3,500.00) with the remaining \$3,500.00 coming from the property owners.**

Section 3. Assessments.

- (a) Portion of Capital Costs Paid by Assessments. Of the total estimated capital cost for installing speed humps in Section 2 (c), **\$3,500.00** shall be paid from the proceeds of the special assessments. The proceeds of the special assessments shall reimburse the County for cost paid out of the **Orange County Public Works Traffic Calming Program Funding**.
- (b) Manner of Assessment; Declaration of Benefit. All benefited property shall be assessed a one-time special assessment of **\$169.00** per lot in a portion of Windermere Heights 2nd Section and Windermere Heights 3rd Section subdivisions. This one-time special assessment includes the capital cost of installation and administrative fees. The Board hereby declares that such method of special assessment is proportionate to and not in excess of the special benefits to be derived by each benefited property from installing two (2) speed humps.
- (c) One-Time Assessment. Assessments will be a one-time special assessment, which includes administration fees. The non-ad valorem special assessment is levied for the first and only time as of **November 1, 2019**.

(d) Collection of Annual Installments. It is the intent of Orange County that the Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, as Sections 197.3632 and 197.3635, 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 specifically assessed against the real property of the freeholders in the MSBU as provided hereafter. An additional amount 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 provisions of Section 197.3632, Florida Statutes.

Section 4. Assessed Lands; Individual Assessments.

The specific properties benefited by installing these speed humps and the special assessment imposed on each of them are the boundaries of which appear on the recorded plats of Windermere Heights 2nd subdivision, Plat Book M, Pages 6, Lots as shown in "Exhibit A", Section 15, Township 23, Range 28, Public Records of Orange County, Florida and Windermere Heights 3rd subdivisions, Plat Book M, Pages 18, Lots as shown in "Exhibit A" Section 15, Township 23, Range 28, Public Records of Orange County, Florida. 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.

After adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time said Board sits as a 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 of County Commissioners 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 non-ad valorem special assessment 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 taxes. Said non-ad valorem special assessment, 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. 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 special assessments, Section 197.3632, Florida Statutes, shall be used.

Section 5. Termination of MSBU.

Upon final payment of this one time only non-ad valorem special assessment, this MSBU shall automatically terminate.

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.

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

ADOPTED THIS _____ DAY OF _____, 2019

ORANGE COUNTY, FLORIDA

BY: _____
ORANGE COUNTY MAYOR

DATE: _____

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

BY: _____
DEPUTY CLERK

Oakland Place
Windermere Heights 2nd Section and Windermere Heights 3rd Section
Exhibit A

Assessment Number	Parcel ID Number/ Legal Description	Property Owner(s)	Total Assessment
01	15-23-28-9344-13-130 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 13 THROUGH 18 BLK M	VAN WORMER PAUL E SR VAN WORMER BIRGITT A 5007 WASHINGTON AVE ORLANDO, FL 32819-3260	169.00
02	15-23-28-9344-13-190 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 19 THROUGH 24 BLK M	MAUL GEORGE MAUL ROSITA ARMADA 7065 WESTPOINTE BLVD STE 202 ORLANDO, FL 32835-8758	169.00
03	15-23-28-9344-16-000 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 1 2 & 3 & 22 23 & 24 BLK P & W1/2 OF VAC R/W ON E & 25 FT VAC R/W ON S OF LOTS 22 23 & 24 VAC PER OR 5239/2336	SIMONELLI JAMES KENNETH 8206 OAKLAND PL ORLANDO, FL 32819-3251	169.00

04	15-23-28-9344-16-040 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 4 5 & 6 & 19 20 & 21 BLK P & VAC R/W ON S PER 6324/328	PAPP WILLIAM G PAPP GAIL A 8244 OAKLAND PL ORLANDO, FL 32819-325	169.00
05	15-23-28-9344-16-070 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 7 8 9 16 17 & 18 BLK P	TORTORELLA MICHAEL J TORTORELLA CAROL J 8282 OAKLAND PL ORLANDO, FL 32819-3251	169.00
06	15-23-28-9344-16-100 WINDERMERE HEIGHTS 2ND SECTION M/6 LOTS 10 THROUGH 15 BLK P	DADA FAISAL EWING-DADA JANICE 8320 OAKLAND PL ORLANDO, FL 32819-3253	169.00
07	15-23-28-9348-21-010 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 1 2 & 3 & 22 23 & 24 BLK U	FAKIOGLU HARUN FAKIOGLU LOIS A 1 DOWN DR WINDERMERE, FL 34786-8664	169.00
08	15-23-28-9348-21-040 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 4 5 & 6 & 19 20 & 21 BLK U	PUGLIESE DANIEL HUNTER 8141 OAKLAND PL ORLANDO, FL 32819-3250	169.00
09	15-23-28-9348-21-070 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 7 8 9 16 17 & 18 BLK U	SANTIAGO CARMELLA MINELLA 8149 OAKLAND PL ORLANDO, FL 32819-3250	169.00
10	15-23-28-9348-21-100 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 10 THROUGH 15 BLK U	ANDERS GREGORY E ANDERS JADE E 8161 OAKLAND PL ORLANDO, FL 32819-3250	169.00
11	15-23-28-9348-22-000 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 1 2 & 3 & 22 23 & 24 BLK V (LESS PT TAKEN ON E & S FOR R/W PER OR 5305/1193)	ALI ADNAN ALI RABIA 8005 OAKLAND PL ORLANDO, FL 32819-3248	169.00
12	15-23-28-9348-22-040 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 4 5 & 6 & 19 20 & 21 BLK V	PATEL SURESH PATEL AMITA 8053 OAKLAND PL ORLANDO, FL 32819-3248	169.00
13	15-23-28-9348-22-070 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 7 8 & 9 & 16 17 & 18 BLK V	HANDY ALFRED E HANDY DANETTE V 8063 OAKLAND PL ORLANDO, FL 32819-3248	169.00
14	15-23-28-9348-22-100 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 10 THROUGH 15 BLK V	REYES JUAN CARLOS ABRIL NANCY YOLANDA MOJICA 8091 OAKLAND PL ORLANDO, FL 32819-3248	169.00
15	15-23-28-9348-23-000 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 1 2 & 3 & LOTS 22 23 & 24 BLK W (LESS PT TAKEN ON E FOR R/W PER OR 5490/1816)	CRUZ WILLIAM CRUZ LAURA R 8000 OAKLAND PL ORLANDO, FL 32819-3247	169.00
16	15-23-28-9348-23-040 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 4 5 & 6 & LOTS 19 20 & 21 BLK W (LESS BEG AT NW COR OF LOT 6 RUN N89-07-47E 15 FT ALONG S R/W LINE OF OAKLAND PLACE TH S07-36- 56W 98.62 FT TO PT ON W LINE OF SAID LOT 6 TH N01-07-57W 97.55 FT PER 10470/3320)	BEVERLIN TIFFANY A 8044 OAKLAND PL ORLANDO, FL 32819-3247	169.00

17	15-23-28-9348-23-070 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 7 8 9 16 17 18 & BEG AT NW COR OF LOT 6 RUN N89-07-47E 15 FT ALONG S R/W LINE OF OAKLAND PLACE TH S07-36-56W 98.62 FT TO PT ON W LINE OF SAID LOT 6 TH N01-07-57W 97.55 FT BLK W	BEVERLIN DOROTHY C BEVERLIN ROBERT A 8052 OAKLAND PL ORLANDO, FL 32819-3247	169.00
18	15-23-28-9348-23-100 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 10 THROUGH 15 BLK W	JOAN A ALLEN REVOCABLE TRUST 8092 OAKLAND PL ORLANDO, FL 32819-3247	169.00
19	15-23-28-9348-24-010 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 1 2 & 3 & 22 23 & 24 BLK X & VAC R/W LYING S OF LOTS 22 23 & 24	SENICH MICHAEL J SENICH TAMARA L 8134 OAKLAND PL ORLANDO, FL 32819-3249	169.00
20	15-23-28-9348-24-040 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 4 5 & 6 & 19 20 & 21 BLK X & VAC R/W LYING S OF LOTS 19 20 & 21 PER 6165/1061	RAMIREZ-MANCILLA GABRIEL A 8142 OAKLAND PL ORLANDO, FL 32819-3249	169.00
21	15-23-28-9348-24-070 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 7 8 & 9 & 16 17 & 18 BLK X & VAC R/W LYING S OF LOTS 16 17 & 18 PER 6165/1061	SKORMAN THEODORE A SKORMAN LYNN 8150 OAKLAND PL ORLANDO, FL 32819-3249	169.00
22	15-23-28-9348-24-100 WINDERMERE HEIGHTS 3RD SECTION M/18 LOTS 10 THROUGH 15 BLK X & E1/2 OF VAC R/W ON W & 25 FT VAC R/W ON S PER OR 5239/2336	BRIAN ROBERT MCFARLAND AND AIMEE LYNN MCFARLAND JOINT REVOCABLE TRUST 8162 OAKLAND PL ORLANDO, FL 32819-3249	169.00