

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA  
OFFICE OF THE COUNTY MANAGER  
AGENDA ITEM COVER SHEET**

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**DATE:** 10/14/2019

**MEETING DATE:** 12/3/2019

**TO:** Jeff Cole, County Manager

**ITEM TYPE:** Consent Item

**THRU:**

Mary Hamilton, Chief of Operations

**ITEM ID:** 9955

**BY:** Niquiesha Jackson, Office Associate IV

**SUBJECT:** Request to Advertise Canal Dredging Funding Mechanism Ordinance

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**RECOMMENDATION/REQUIRED ACTION:**

Request approval to advertise an ordinance to create Article IV, Chapter 21, Lake County Code, to be entitled "Canal Assessment Procedures," which establishes a municipal service taxing/benefit unit process for canal maintenance and dredging and amends Section 14.07.07, Lake County Code, Appendix E, Land Development Regulations, entitled "Final Plat requirements," to require that new plats with canal front lots or parcels establish a mechanism to assess residents for canal maintenance. There is no fiscal impact.

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**BACKGROUND SUMMARY:** The Board of County Commissioners (Board) on May 21, 2019, directed staff to establish a process to assess residents in unincorporated Lake County for canal maintenance or dredging activities. The proposed ordinance creates a way in which existing canal front residents who desire to initiate and fund a dredging or other maintenance-type project may seek approval of a Municipal Service Taxing Unit (MSTU) or a Municipal Service Benefit Unit (MSBU) to fund the improvements. Additionally, the new plat requirement requires developers to establish a mechanism to assess residents for canal maintenance. MSTU or MSBU assessments may be based on the estimated cost to provide the improvement, number of properties within the unit boundaries, and taxing or benefit unit allocated to each participating property.

The Planning and Zoning Board discussed this ordinance at its October 30, 2019, meeting, and a motion to recommend approval of the ordinance failed. No other motions were considered.

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Fiscal Impact: None

Account No.:

Advertised Date:

Paper:

Attachments:

1.	2019-__ Canal Maintenance_10-11-19_Comm. sign block
2.	2019 Economic_Impact_Statement

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**STAFF APPROVALS AND DATES:**

Niquiesha Jackson	Created/Initiated - 10/14/2019
Sandy Beckett	Approved - 10/14/2019
Kerri Andrews	Approved - 10/14/2019
Mary Hamilton	Approved - 10/14/2019
Fred Schneider	Approved - 10/14/2019
Ron Russo	Approved - 10/14/2019
Christie Jarrell	Approved - 10/14/2019
Jennifer Barker	Approved - 10/15/2019
Melanie Marsh	Approved - 10/31/2019
Angela Harrold	Final Approval - 10/31/2019

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**ACTION TAKEN BY BOARD:**

Action: New

Continued/Deferred Until:

Other:

**Summary of Ordinance**

The purpose of this Ordinance is to create Article IV, Chapter 21, Lake County Code, to be entitled *Canal Assessment Procedures*, to establish a municipal service taxing/benefit unit process for canal maintenance and dredging. This Ordinance also amends Section 14.07.07, Lake County Code, Appendix E, Land Development Regulations, entitled *Final Plat Requirements*, to require that new plats with canal-front lots or parcels establish a mechanism to assess residents for canal maintenance.

Changes are shown as follows: Strikethrough for deletions and Underline for additions to existing Code sections. The notation “\* \* \*” shall

**ORDINANCE 2019 - \_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING ARTICLE IV, CHAPTER 21, LAKE COUNTY CODE, TO BE ENTITLED *CANAL ASSESSMENT PROCEDURES*; ESTABLISHING A MUNICIPAL SERVICE TAXING/BENEFIT UNIT PROCESS FOR CANAL MAINTENANCE AND DREDGING; AMENDING SECTION 14.07.07, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *FINAL PLAT REQUIREMENTS*; REQUIRING NEW PLATS WITH CANAL-FRONT LOTS OR PARCELS TO ESTABLISH A MECHANISM TO ASSESS RESIDENTS FOR CANAL MAINTENANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes local governments to establish municipal service taxing or benefit units for any part or all of the unincorporated areas of the county to provide for essential facilities and municipal services; and

**WHEREAS**, the Attorney General opined in AGO 2016-13 that “essential services” applies to both facilities and municipal-type services, and Section 170.01, Florida Statutes, lists as a municipal service the reconstruction, repair, or renovation of canals, and improvements to permit the passage and navigation of watercraft; and

**WHEREAS**, Section 125.01(3)(b), Florida Statutes, states that the provisions of the statute must be liberally constructed in order to effectively carry out the purpose of the law and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution; and

**WHEREAS**, there are approximately 245 linear miles of canals and rivers and 280 residential canals in Lake County; and

**WHEREAS**, non-navigable canals affect canal front property values; and

**WHEREAS**, canal dredging improves water quality by reducing sediment loads; and

**WHEREAS**, maintaining the lakes and associated canal system in Lake County is an important part of promoting tourism and economic development;

1           **WHEREAS**, the Board hereby finds that this amendment is in the best interests of the  
2 health, general welfare and safety of the residents of Lake County.  
3

4           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
5 Lake County, Florida, as follows:  
6

7           **Section 1.     Recitals.** The foregoing recitals are true and correct and incorporated  
8 herein by reference.  
9

10          **Section 2.     Creation.** Article IV, Chapter 21, to be entitled *Canal Assessment*  
11 *Procedures*, is hereby created to read as follows:  
12

13 **ARTICLE IV.        CANAL ASSESSMENT PROCEDURES**  
14

15 **Sec. 21-40.     Power and authority.**

16 (a) The board of county commissioners may provide for the maintenance of canals in the  
17 unincorporated area of the county and may assess against the abutting property to be improved  
18 the entire cost of the improvement, or any portion thereof, and to pay as a county charge any  
19 of the costs which are not assessed.

20 (b) At its option, the board of county commissioners may impose assessments within an area and  
21 establish municipal service taxing or benefit units to fund costs and services of improvements.  
22 Notwithstanding any petition process set forth in this article, the board shall retain the  
23 authority to establish improvement areas without a landowner petition and the board shall not  
24 be legally bound by the result of the petition process.

25 (c) The County Manager or designee shall have responsibility for the administration,  
26 coordination, permitting, bidding, inspecting, and record keeping activities associated with  
27 any assessment program and resulting projects.

28 (d) All properties owned by federal, state and local governments are exempt from assessments  
29 imposed under this article.

30 **Sec. 21-41.     Municipal Service Taxing (MSTU) or Benefit Unit (MSBU).**

31 (a) As provided for in Section 125.01(q), Florida Statutes, the board of county commissioners  
32 may establish, merge or abolish municipal service taxing units (MSTU) or benefit units  
33 (MSBU) in accordance with the procedures set forth in this article and as provided in Florida  
34 law to include property within the unincorporated area of the county in order to fund an  
35 improvement project that benefits public health, safety or welfare. Property owners requesting  
36 canal maintenance by the establishment of a municipal service taxing benefit unit must  
37 petition the County. Petitions in support of the MSTU or MSBU area must be received from  
38 at least fifty-five percent (55%) of the property owners within the proposed unit boundaries.  
39 Verification will be accomplished by comparing the petitions with the existing tax rolls. Only  
40 canals that are publicly dedicated shall be considered.

1 (b) The County Manager or designee will estimate the overall cost of the canal maintenance  
2 project and provide the estimate to the property owners if requested.

3 (c) After receipt and verification of the results of the petition process, the County Manager or  
4 designee will present the project, estimated project cost, and estimated assessments to the  
5 board of county commissioners for the board's consideration. Assessments in the MSTU or  
6 MSBU area will be based on costs to provide the improvement, number of properties within  
7 the unit boundaries, and taxing or benefit unit allocated to each participating property.  
8 Assessments may be based on the number of lots, home sites, front footage, acreage, or other  
9 equitable measures within the MSTU or MSBU area. There will be no funding participation  
10 by the board of county commissioners.

11 (d) The board of county commissioners shall be the governing body of the MSTU or MSBU and  
12 upon adoption of an initial resolution, the assessments must be levied and collected pursuant  
13 to Chapter 197 and Chapter 200, Florida Statutes, including Section 197.3632, Florida  
14 Statutes. Any request for change in amount of assessment, boundary or purpose will be  
15 presented to the board at a public hearing for consideration. A MSTU or MSBU can only be  
16 dissolved (1) upon petition for dissolution signed by least fifty-five percent (55%) of the  
17 property owners within the proposed unit boundaries after the initial cost of the canal  
18 maintenance projects have been paid by the property owners or (2) the board determines  
19 dissolution benefits public health, safety or welfare.

20 **Sec. 21-42. Preliminary resolution to declare a MSTU/MSBU.**

21 (a) When the board decides to establish a MSTU or MSBU for canal maintenance, the board shall  
22 so declare by resolution stating the nature of the proposed improvements, designating the  
23 canal(s) to be improved, the parcels to be benefited, and the portion of the cost to be paid by  
24 the assessment. The resolution shall also designate the lands upon which the assessments shall  
25 be levied and in describing said lands, it shall be sufficient to describe them as "all lots and  
26 lands adjoining and contiguous or bounding and abutting upon such improvements specially  
27 benefited by the assessment hereinafter provided for." The resolution shall also state the total  
28 estimated cost of the improvement.

29 (b) The resolution adopted pursuant to subsection (a) shall be recorded in the public records of  
30 the county immediately after its adoption.

31 (c) The board of county commissioners shall cause to be published once a week for a period of  
32 two (2) weeks in a newspaper of general circulation published in the county, a notice stating  
33 that at a regular meeting of the board on a certain day and hour not earlier than fifteen (15)  
34 days from the first publication, the board will hear objections of all interested persons to the  
35 adoption of the resolution provided for in subsection (d).

36 (d) At the time designated in the notice or to which an adjournment may be taken, the board of  
37 county commissioners shall receive any objections of interested persons and may then or  
38 thereafter adopt such resolution with such amendments, if any, as may be desired by the board  
39 and which do not change the location of the improvement or increase the probable cost thereof.

40 (e) Following the recording of the resolution, the project(s) shall commence once sufficient funds  
41 have been collected within the MSTU or MSBU to pay for the canal maintenance, unless the

1 board of county commissioners determines it is in the best interests of the public to issue bonds  
2 for the improvements.

3 **Sec. 21-43. Assessment roll.**

4 (a) For each year that the MSTU or MSBU remains in place, the board of county commissioners  
5 shall cause to be prepared an assessment roll containing property descriptions and assessments  
6 of cost against each lot or parcel of land abutting within the MSTU or MSBU. Upon  
7 completion of the assessment roll, the board shall cause to be published at least once a week  
8 for a period of two (2) weeks in a newspaper of general circulation published in the county, a  
9 notice stating that the assessment roll has been completed, is on file in the office of the board,  
10 is open to public inspection and, that at a regular meeting of the board on a certain day and  
11 hour not earlier than fifteen (15) days from the first publication, the board will hear objections  
12 of all interested persons to the proposed assessments contained in the assessment roll. The  
13 notice shall further state in brief and general terms, a description of the purpose of the  
14 assessment with the location thereof. On or after the hearing provided for in this section, the  
15 board shall either annul, sustain or modify, in whole or in part, the assessment indicated on  
16 the assessment roll either by confirming the assessment against any or all lots or parcels  
17 described therein, or by canceling, increasing or reducing the same but shall not confirm any  
18 assessment in excess of the special benefit to the property assessed. Immediately after the  
19 determination of assessments as hereinbefore provided, the assessment roll shall be final and  
20 conclusive unless proper steps shall be taken in a court of competent jurisdiction to secure  
21 relief within twenty (20) days.

22 (b) The final assessment roll shall be recorded in the public records of the county immediately  
23 after determination of the assessments.

24 **Sec. 21-44. Priority of lien.**

25 All assessments for any improvements made under the provisions of this article shall  
26 constitute liens upon the property assessed from the date of the recording of the final assessment  
27 roll and shall be of the same nature and to the same extent as liens for general county taxes. No  
28 sale of any property for general county taxes or for an installment or installments of any such  
29 assessment and no perfecting of title under any such sale shall divest the lien of any installment of  
30 such assessment not due at the time of the sale. Collection of such assessments with such interest  
31 and penalties, costs and attorneys' fees, may be made by the county or lending institution by  
32 proceedings in a court of equity to foreclose the lien of the assessment as a lien for mortgages is,  
33 or may be foreclosed under the laws of the state. It shall be lawful to join in any bill for foreclosure  
34 any one (1) or more lots or parcels of land, by whomsoever owned, if assessed for the same  
35 improvement; provided that failure to pay any installment of principal or interest on any  
36 assessment within thirty (30) days of the date when such installment shall become due shall  
37 without notice or other proceedings, cause all installments of principal remaining unpaid to be  
38 forthwith due and payable with interest due thereon at date of default and further interest as herein  
39 provided; but if before the sale of the property for delinquent assessments, the amount of such  
40 delinquency shall be paid with all penalties, interest costs and attorneys' fees, further installments  
41 of the principal shall cease to become so due and payable, and shall be due and payable at the times  
42 at which the same would be due if no such default had occurred.

1 **Sec. 21-45. Method of collection.**

- 2 (a) If an MSBU is to be imposed by the board, the duties of the property appraiser and tax  
3 collector under the Uniform Assessment Collection Act, Section 197.3632, Florida Statutes,  
4 are ministerial.
- 5 (b) MSBU assessments to be imposed pursuant to this article will constitute a non-ad valorem  
6 assessment within the meaning and intent of the Uniform Assessment Collection Act. The  
7 county shall comply with the procedures set forth in the Uniform Assessment Collection Act,  
8 Section 197.3632, Florida Statutes, as amended.
- 9 (c) MSTU assessments are considered ad valorem taxes and the duties of the property appraiser  
10 and tax collector shall be the same as for any other ad valorem levy.

11 **Sec. 21-46. Bonds—Generally.**

- 12 (a) The board of county commissioners shall have the power and it is hereby authorized to provide  
13 by resolution from time to time for the issuance of bonds for the purpose of paying all or a  
14 part of the cost of any one (1) or more improvements authorized by this article or any  
15 combination of improvements as a single improvement. The principal and interest of the bonds  
16 shall be payable from the assessments levied against the property and any other funds legally  
17 available for payment that are pledged or made available for such payment pursuant to the  
18 authorization resolution. The bonds of each issue shall be dated, shall bear interest at such rate  
19 or rates not to exceed the provisions of Section 215.84(3), Florida Statutes, and shall mature  
20 at such time or times not exceeding thirty (30) years from their date or dates as may be  
21 determined by the board and may be made redeemable before maturity at the option of the  
22 county at such price or prices and under such terms and conditions as may be determined by  
23 the board prior to the issuance of the bonds. The board may add a component to the interest  
24 rate charged to recompense the county for administrative costs associated with establishing or  
25 maintaining the assessment program. The board shall determine the form of the bonds, the  
26 manner of executing the bonds and coupons and shall fix the denomination or denominations  
27 of the bonds and the place or places of payment of the principal and interest which may be at  
28 any bank or trust company within the state. In case any officer whose signature or a facsimile  
29 signature shall appear on any bonds or coupons shall cease to be such officer before the  
30 delivery of the bonds, this signature or facsimile shall nevertheless be valid and sufficient for  
31 all purposes the same as if the officer had remained in office until delivery. All bonds issued  
32 under the provisions of this article shall have and are hereby declared to be and to have all of  
33 the qualities and incidents of negotiable instruments under the laws of the state. Provision may  
34 be made for the registration of any of the bonds in the name of the owner as to the principal  
35 alone and also as to both principal and interest. The bonds may be issued without regard to  
36 any limitation on indebtedness prescribed by any law and shall not be included in the amount  
37 of bonds which the county may be authorized to issue under any statute. The board shall sell  
38 the bonds by competitive sale unless it first determines that a negotiated sale best serves the  
39 interest of the county. The board may sell the bonds at such interest rate or rates limited only  
40 by applicable law, and for such price as it may determine to be for the best interests of the  
41 county. The board may also provide for the replacement of any bonds which shall become  
42 mutilated or be destroyed or lost. Bonds may be issued without any other proceedings or the

1 happening of any other conditions or things than those proceedings, conditions or things which  
2 are specifically required by this article.

3 (b) The proceeds of bonds shall be used solely for the payment of the cost of the improvement,  
4 costs of issuing the bond, capitalizing interest, funding reserves or any other lawful purpose,  
5 and shall be disbursed in such manner and under such restrictions, if any, as the board may  
6 provide. If the proceeds of the bonds by error of estimates or otherwise shall be less than the  
7 cost of the improvement, the board of county commissioners may pay the deficit from any  
8 other county revenues or funds legally available for the purpose. If the proceeds of bonds  
9 issued for any improvement shall exceed the cost of the improvement, the surplus may be paid  
10 into the fund provided for the payment of principal and interest on the bonds or for any lawful  
11 purpose.

12 (c) In the event that the county has constructed an improvement under the terms of this article,  
13 and to pay the cost of that improvement has issued bonds payable from the funds provided for  
14 herein, and in the event the county desires to construct additions, extensions or betterments to  
15 the initial improvement or to construct an additional improvement and to combine the  
16 additional improvement with the initial improvement and to refund the outstanding bonds, the  
17 county may provide for the issuance of a single issue of bonds under the provisions of this  
18 article or for the combined purposes:

19 (1) Of refunding bonds then outstanding.

20 (2) Of constructing additions, extensions or betterments or constructing additional  
21 improvements and the principal of and the interest on the bonds shall be payable from the  
22 funds pledged therefore as provided herein.

23 (d) The resolution providing for the issuance of the bonds may also contain such limitations upon  
24 the issuance of additional bonds as the board of county commissioners may deem proper and  
25 additional bonds shall be issued under such restrictions and limitations as may be prescribed  
26 by resolution. All monies received from any bonds issued and sold under the provisions of  
27 this article shall be applied in accordance with the provisions hereof and of the resolution  
28 authorizing the issuance of the bonds.

29 **Sec. 21-47. Same—Pledge of assessments.**

30 (a) The county shall pledge the assessments provided for by this article as security for the payment  
31 of the principal of and interest on any bonds issued under the terms of this article or for a  
32 reserve for such debt service.

33 (b) The pledge of assessments shall be a valid and legal binding contract between the county and  
34 the holders of the bonds and the county shall be obligated to continue to receive and apply the  
35 assessments in accordance with the proceedings which authorize the issuance of the bonds for  
36 which the assessments are pledged as security as long as any of the bonds are outstanding and  
37 unpaid.



1 **Sec. 21-48. Same—Neither credit nor taxing power pledged.**

2 (a) Bonds issued under the provisions of this article shall not constitute a debt of the county or a  
3 pledge of the faith and credit of the county but shall be payable solely from assessments levied  
4 against the property benefitting from the improvement, and from any other revenues described  
5 in the authorizing resolution. All bonds shall contain a statement on their face to the effect  
6 that the county is not obligated to pay the principal or the interest thereon except from the  
7 funds provided for in this article and that the faith and credit of the county are not pledged to  
8 the payment of the principal or interest of the bonds.

9 (b) The issuance of bonds under the provisions of this article shall not directly or indirectly or  
10 contingently obligate the county to levy or to pledge any form of ad valorem taxation upon  
11 real property. No holder of any bond shall have the right to compel any exercise by the county  
12 of the ad valorem taxing power to pay any bonds or the interest thereon or to enforce payment  
13 of the bonds or the interest thereon against any property of the county. The bonds shall not  
14 constitute a charge, lien or encumbrances, legal or equitable upon any property of the county  
15 except those funds pledged for the payment of the bonds.

16 **Sec. 21-49. Refunding bonds.**

17 (a) The county is hereby authorized to provide by resolution for the issuance of refunding bonds  
18 for the purpose of refunding any bonds then outstanding and issued under the provisions of  
19 this article for the purpose of financing or refinancing all or a part of the cost of improvements  
20 provided for in this article. The county is further authorized to provide by resolution for the  
21 issuance of bonds for the combined purpose of:

22 (1) Paying the cost of constructing an additional improvement or improvements; and

23 (2) Refunding bonds of the county which shall previously have been issued for financing or  
24 refinancing improvements provided for by this article and shall then be outstanding.

25 (b) The issuance of such refunding bonds, the maturities and other details thereof, the rights of  
26 the holders thereof and the duties of the board of county commissioners and of the county in  
27 respect to refunding bonds shall be governed by the provisions of this article insofar as those  
28 provisions may be applicable.

29 (c) If outstanding bonds to be refunded are not redeemable, or immediately redeemable, the board  
30 of county commissioners shall have the power to invest the proceeds of refunding bonds in  
31 direct obligations of the United States of America or in time deposit of banks or trust  
32 companies represented by certificates of deposit secured by direct obligations of the United  
33 States of America until the maturity date thereof or the first date upon which the outstanding  
34 bonds are redeemable prior to maturity.

35 **Sec. 21-50. Additional security.**

36 The county may additionally pledge or otherwise provide for the payment of the principal  
37 of and interest on any bonds issued under the provisions of this article any funds of the county  
38 legally available for the purpose.

1 **Sec. 21-51. Trust funds.**

2 All monies received pursuant to the authority of this article whether as proceeds from the  
3 sale of bonds or otherwise, shall be deemed to be trust funds to be held and applied solely as  
4 provided for in this article. The board of county commissioners may, in a resolution authorizing  
5 the issuance of bonds, provide for the payment of the proceeds of the sale of the bonds to any  
6 officer or to any agency, bank or trust company which shall act as trustee of the funds and hold  
7 and apply the funds to the purposes of this article subject to such regulations as this article and the  
8 resolution may provide.

9 **Sec. 21-52. Remedies of bondholders.**

10 Any holder of bonds issued under the provisions of this article except to the extent the  
11 rights herein given may be restricted by resolution passed before the issuance of the bonds, may  
12 by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the  
13 laws of this state or granted by this article or resolution and may enforce and compel the  
14 performance of all duties required by this article or resolution to be performed by the county or  
15 the board of county commissioners or by any officer thereof.

16  
17  
18 **Section 3. Amendment.** Section 14.07.07, Lake County Code, Appendix E, Land  
19 Development Regulations, entitled *Final Plat Requirements*, shall be amended to read as follows:  
20

21 **14.07.07 Final Plat Requirements.**

- 22 A. Final Plat Submittal Requirements. Prior to final Plat approval, the final plat Shall be  
23 consistent with all of the information in the preliminary plat and construction plans and Shall  
24 include the followings information and/or documents:
- 25 1. The final plat Shall conform with all requirements set forth in Chapter 177, Florida  
26 Statutes.
  - 27 2. Final plats Shall be twenty-four (24) inches by thirty-six (36) inches with proper borders  
28 clear of all writing except for the space for plat book and page number, drawn to an  
29 appropriate scale. All text size on Plats Shall be a minimum of 0.10 inches in height,  
30 including lower case lettering. The scale Shall not be smaller than one (1) inch = one  
31 hundred (100) feet. The County Manager or designee may grant exception to this rule  
32 based on necessity or for good cause shown.
  - 33 3. Survey markers.
    - 34 a. Permanent Reference Monuments (PRMs), Shall be placed no more than eight  
35 hundred (800) feet apart within the Platted lands and on the exterior boundaries  
36 thereof so as to provide definite reference points. PRMs Shall be set at all points of  
37 curvature, points of reverse curvature, points of tangency, and each corner or change  
38 in direction. The monuments Shall be four (4) inches by four (4) inches reinforced  
39 concrete, twenty-four (24) inches long, and have the reference point marked thereon.  
40 All monuments Shall have their location indicated on the plat and referenced by

- 1 angles and distances. The monuments Shall be marked "Permanent Reference  
2 Monuments" or "PRM."
- 3 b. A signed and sealed letter by the platting surveyor stating that all PRMs have been  
4 set must be received prior to final approval and recordation of the Plat.
- 5 4. Restrictions pertaining to the type and use of existing or proposed improvements,  
6 waterways, stormwater systems, water and wastewater systems, open spaces, building  
7 lines, buffer strips and walls, and other restrictions of similar nature Shall require the  
8 establishment of restrictive covenants and such covenants Shall be submitted with the  
9 final plat for recordation. Additionally, in any residential plat where landscaping is  
10 proposed on individual lots, the following statement Shall be included on the plat:  
11 Individual lot purchasers Shall be required to comply with all landscape maintenance  
12 requirements as set forth in Section 9.01, Land Development Regulations.
- 13 5. Where the site includes private streets, ownership and maintenance association  
14 documents Shall be submitted with the final plat and the dedication contained on the final  
15 plat Shall clearly indicate the roads and maintenance responsibility to the association  
16 without recourse to the city/County or any other public agency.
- 17 6. All man-made lakes, ponds, canals and other man-made water bodies excluding  
18 retention/detention areas shown on the final plat Shall be made a part of adjacent private  
19 lot(s) or dedicated to a homeowner's association as shown on the final plat. The ownership  
20 of these water bodies Shall not be dedicated to the public unless approved by the County.
- 21 7. When a conservation easement is required pursuant to Section 6.01.00, Land  
22 Development Regulations, the following information is required for review and approval  
23 prior to the recording of the conservation easement deed:
- 24 a. Completed conservation easement form with conditions and legal description.
- 25 b. Illustration of conservation easement on Final Plat.
- 26 8. A title opinion or an update of a previously submitted title opinion by an attorney at law  
27 licensed in Florida or a certification by an abstractor or a title company showing all  
28 persons or entities with an interest of record in the property including, but not limited to,  
29 the record fee owners, easement holders, mortgage and lien holders, leasehold interest  
30 holders, judgment interest holders and parties with any interest in the land by reason of  
31 probate or other legal proceedings. The report Shall include the tax identification  
32 number(s) for the property and copies of documents such as deeds, easements, etc.,  
33 referenced in the title opinion. The title opinion required by this Subsection Shall be  
34 brought current to the day of approval of the final plat by the Board of County  
35 Commissioners.
- 36 9. An organization established for the purpose of owning and maintaining common facilities  
37 not proposed for dedication to Lake County Shall be created by covenants running with  
38 the land. Such covenants Shall be included with the final plat. Such organization Shall  
39 not be dissolved nor Shall it dispose of any common facilities or open space by sale or  
40 otherwise without first offering to dedicate or sell the same to the County. In addition, if  
41 canals are included within the boundaries of the plat, the covenants shall include a  
42 provision that establishes an assessment upon all future lot owners to be used for canal

maintenance, including but not limited to dredging, management of invasive vegetation, and removal of navigational hazards within the canals.

10. An easement for utilities lying adjacent to and contiguous with all platted or deeded public rights-of-way, the minimum width of which Shall be seven and a half (7.5) feet in width, may be required in each subdivision submitted for approval, and dedicated on the final plat, upon an individualized determination that the dedication is related both in nature and extent to the impact of the proposed development. This easement, if required to be dedicated, is in addition to the current County standards for width and road rights-of-way.
11. An easement for lot grading drainage, lying contiguous to the side and rear lot lines, a minimum of eight (8) feet total, may be required upon an individual determination that the dedication is related both in nature and extent to the impact of the proposed development, for the purpose of maintaining stormwater run off, as per construction plans submitted for the proposed development. Structures Shall not be permitted within said drainage easement area. Driveways, landscaping and other lot appurtenances may be allowed providing that they do not obstruct the flow of water as per approved lot grading plan. This easement, if required to be dedicated, is in addition to all other requirements for drainage and retention ponds.
12. Establish a minimum of two (2) horizontal control points on the boundary of the subdivision plat with Florida State Plane Coordinates (Florida East Zone) values shown on the plat for each point established. The acceptable methods for establishing these control points Shall be as follows:
  - a. Direct Global Positioning System (GPS) observation, in accordance with Third Order, Class II requirements as set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September 1984. A certification by the surveyor and mapper in charge of the establishment of these points will be required as part of the submittal of the final plat.
  - b. Self closing (looped) traverse(s), conducted between two (2) existing control stations of the Lake County Geodetic Control Network and the plat boundary, with a minimum precision of no less than one (1) part in twelve thousand (12,000) before adjustment.
  - c. Self closing (looped) traverse(s), conducted between one (1) existing horizontal control station of the Lake County Geodetic Control Network, the plat boundary, and a line which azimuth has been determined by astronomic observation or GPS, with a minimum precision of no less than one (1) part in twelve thousand (12,000) before adjustment. Astronomic or GPS observations Shall be performed in accordance with Third Order, Class II requirements set forth in Standards for Geodetic Control Networks, Federal Geodetic Control Committee, September 1984.

Horizontal control stations that are used Shall be shown on the plat by graphically identifying their location, name and number. The final adjusted direct tie (bearing and distance) Shall be shown between those horizontal control stations and specific points on the plat boundary. If only one (1) horizontal control station was located as in Subsection c. above, a bearing diagram Shall be shown on the plat relating the bearing structure

1 shown on the plat to grid North. Subdivisions of less than five (5) lots may be granted  
2 exemption from this Subsection for good cause shown.

3 13. All plats must show a vicinity map referencing the project in relation to the nearest roads  
4 and road intersections. A vicinity map should state the scale or "not to scale", show the  
5 project location, and contain a north arrow. Additionally, the legal description of the  
6 platted land must contain the total acreage of the platted land and such acreage must be  
7 consistent with the title opinion.

8 14. All plats situated in special flood hazard areas (FIRM "A" and "AE" zones) according to  
9 current flood insurance rate maps, must have a minimum of two (2) benchmarks clearly  
10 shown on the plat and state the elevations in the current applicable FIRM datum.

11 15. All easements and rights of way that are identified in the title opinion, proposed, or  
12 existing, Shall be identified and graphically depicted, together with bearing and distance  
13 ties to the plat.

14 16. Computer Aided Design and Drafting (CADD) methods Shall be used in the preparation  
15 of the subdivision plat. All final plats must be submitted in electronic format using  
16 AutoCAD version 12 or later. Graphics files Shall use the same bearing structure and  
17 coordinate system as the Lake County Geodetic Control Network and the Horizontal  
18 Control Station used to satisfy Subsection 12 above. Subdivisions of less than five (5)  
19 lots may be exempt from this Subsection for good cause shown.

20 B. Approval of Final Plat. The Board of County Commissioners Shall approve all final plats, if  
21 found to be in compliance with these regulations. Any final plat not in compliance with these  
22 regulations Shall be denied and a letter of denial Shall be sent to the applicant stating the  
23 reasons for the denial.

24 C. Expiration of Approval. Within twenty-one (21) calendar days of final approval by the Board  
25 of County Commissioners of the final plat, the applicant Shall provide the County Manager  
26 or designee a title opinion current through the date of the board's final approval. The final plat  
27 Shall not be recorded until such title opinion is supplied. If the final plat is not recorded within  
28 thirty (30) calendar days from the board's approval, the final plat approval will expire and the  
29 final plat will need to be presented to the board at the next available meeting. The applicant  
30 Shall be required to supply another title opinion updated through the date of the next board  
31 approval.

32  
33 **Section 4. Inclusion in Code.** It is the intent of the Board of County Commissioners  
34 that the provisions of this Ordinance shall become and be made a part of the Lake County Code  
35 and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"  
36 may be changed to "section", "article", or such other appropriate word "or phrase in order to  
37 accomplish such intentions.

38  
39 **Section 5. Severability.** If any section, sentence, clause, phrase or word of this  
40 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such  
41 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be  
42 construed to have been the Commissioner's intent to pass this Ordinance without such  
43 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the

1 exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been  
2 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any  
3 person, groups of persons, property, kind of property, circumstances or set of circumstances, such  
4 holding shall not affect the applicability thereof to any other person, property or circumstances.  
5

6 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby  
7 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the  
8 State of Florida in accordance with Section 125.66, Florida Statutes.  
9

10 **Section 7. Effective Date.** This ordinance shall become effective as provided for by  
11 law.

12  
13 ENACTED this day of \_\_\_\_\_ day of \_\_\_\_\_, 2019.

14  
15 FILED with the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 2019.  
16  
17  
18

19 ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

20  
21  
22 \_\_\_\_\_  
23 Gary J. Cooney, Clerk  
24 Board of County Commissioners of  
25 Lake County, Florida  
26  
27

\_\_\_\_\_  
\_\_\_\_\_, Chairman

This \_\_\_\_ day of \_\_\_\_\_, 2019.

28  
29 Approved as to form and legality:  
30

31 \_\_\_\_\_  
32 Melanie Marsh, County Attorney  
33



## ECONOMIC IMPACT STATEMENT

### Contact Information

Date: 10/14/19 Contact Name: Mary Hamilton  
Dept./Division: Public Works Operations Contact Phone: 253-6006

### Ordinance Information

#### Describe the ordinance:

The Ordinance is to establish a municipal service taxing/benefit unit process for canal maintenance and dredging. It also amends Lake County Code, Appendix E, Land Development Regulations, entitled Final Plat Requirements, to require that new plats with canal-front lots or parcels establish a mechanism to assess residents for canal maintenance.

#### Describe the direct economic impact of the ordinance upon the operation of the County:

The County would be responsible for the permitting, design, construction bidding and inspection of the projects.

#### Describe the direct economic impact of the ordinance upon the property owner/taxpayers/citizens who are expected to be affected:

The affected property owners would be responsible to pay for the project over a 10 year period.

#### Identify any potential indirect economic impacts, positive or negative which might occur as a result of the ordinance:

None.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA  
OFFICE OF THE COUNTY MANAGER  
AGENDA ITEM COVER SHEET**

**DATE:** 10/9/2019

**MEETING DATE:** 12/3/2019

**TO:** Jeff Cole, County Manager

**ITEM TYPE:** Other

**THRU:**

**ITEM ID:** 9846

**BY:** Niki Booth, Agenda Coordinator

**SUBJECT:** Library Advisory Board Appointments

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**RECOMMENDATION/REQUIRED ACTION:**

Request approval of the District 4 member and municipal appointments from the City of Eustis for the Library Advisory Board, and request approval of a potential ethical conflict waiver. There is no fiscal impact.

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**BACKGROUND SUMMARY:** Please see attached memo to the Board of County Commissioners, identifying the positions. Additionally, approval for a waiver of potential ethical conflict is being requested for Jacquelin Arndt. Chapter 112, Part III, Florida Statutes, establishes ethical standards of conduct and governs conflicts of interest for elected and appointed public officers.

Ms. Arndt works for the University of Central Florida, serving in an administrative role. Accordingly, a waiver under section 112.313(12), Florida Statutes, is requested for Ms. Arndt.

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Fiscal Impact: None

Account No.:

Advertised Date:

Paper:

Attachments:

1.	Library Advisory Board - District 4 and Eustis
2.	Arndt, Jacqueline - Application
3.	Waiver Form 4a - Arndt, Jacquelin
4.	Library Advisory Board - EML Letter to Eustis City Commission for LAB
5.	Appt to LC Library System Advisory Board - Bachowski and Lake 10-3-2019

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**STAFF APPROVALS AND DATES:**

Niki Booth

Created/Initiated - 10/9/2019



Christie Jarrell  
Jennifer Barker  
Melanie Marsh  
Angela Harrold

Approved - 10/9/2019  
Approved - 10/9/2019  
Approved - 10/31/2019  
Final Approval - 11/13/2019

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**ACTION TAKEN BY BOARD:**

Action: New

Continued/Deferred Until:

Other: