

## **RESOLUTION NO. 23-01 IC**

A RESOLUTION OF THE INDIAN CREEK COMMON FACILITIES DISTRICT OF OSCEOLA COUNTY, FLORIDA, RELATING TO THE IMPOSITION OF SPECIAL ASSESSMENTS TO FUND MAINTENANCE OF THE DISTRICT'S COMMON FACILITIES; ESTABLISHING THE ASSESSMENT FOR FISCAL YEAR 2023-2024; IMPOSING THE ASSESSMENTS AGAINST PROPERTY WITHIN THE DISTRICT; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the assessment roll, as herein approved, together with the correction of any errors or omissions shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by law. The assessment roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll for the Indian Creek Common Facilities District, in substantially the form attached hereto as Appendix B.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE INDIAN CREEK COMMON FACILITIES DISTRICT OF OSCEOLA COUNTY, AS FOLLOWS:**

**SECTION 1. DEFINITIONS.** This is the Annual Assessment Resolution as defined in Ordinance No. 06-44 which has been amended by Ordinance Nos. 07-27, 08-10, 08-13, 11-03, 12-17 and 2014-124 (collectively, the "Master Ordinance") All capitalized terms in this Resolution shall have the meanings defined in the Master Ordinance.

### **SECTION 2. FINDINGS.**

(A) The Master Ordinance authorizes the District to impose Assessments to fund the Maintenance Cost of its Common Facilities.

(B) As required by the terms of the Master Ordinance, notice of a public hearing has been published in a newspaper generally circulated within the County; the proof of publication is attached hereto as Appendix A.

(C) A public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by the terms of the Master Ordinance.

**SECTION 3. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.**  
The Initial Assessment Resolution is hereby confirmed.

### **SECTION 4. ASSESSMENTS.**

(A) The Single Family Residential Units within the District are hereby found to be specially benefited by the Maintenance Services. An Assessment of \$300 for each Single Family Residential Unit within the District is hereby imposed for Fiscal Year 2023-2024, which shall be the maximum Assessment for any future Fiscal Year unless the District provides published and mailed notice to the owners of property within the District and conducts a public hearing in the manner described in the Master Ordinance prior to adoption of the Annual Assessment Resolution for such Fiscal Year.

(B) The Assessment Roll, which is currently on file in the office of the District Clerk and incorporated herein by reference, is hereby approved. Upon adoption of this Resolution for any future Fiscal Year, the Assessments shall constitute a lien against the property listed on the Assessment Roll equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims, until paid. The lien shall be deemed perfected upon adoption of this Resolution or the Annual Assessment Resolution for any future Fiscal Year and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

**SECTION 5. COLLECTION OF ASSESSMENTS.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the District Clerk shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

**SECTION 6. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.** The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments will be computed, the Assessment Roll, the maximum annual Assessment, and the levy and lien of the Assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty days from the effective date of this Final Assessment Resolution.

**SECTION 7. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** this 17<sup>th</sup> day of May of 2023.

**INDIAN CREEK  
COMMON FACILITIES DISTRICT**

By: Neal Kaplan  
President, Neal Kaplan  
Board of Supervisors

ATTEST:

By: Nadine F. Nelson  
Secretary/Treasurer, Nadine Nelson  
Board of Supervisors

**APPENDIX A**

**PROOF OF PUBLICATION**

# Orlando Sentinel

MEDIA GROUP

Published Daily  
ORANGE County, Florida

**Sold To:**

CFD/Special Assessments - CU00114768  
1 Courthouse Sq # 2100  
Kissimmee, FL 34741-5440

**Bill To:**

CFD/Special Assessments - CU00114768  
1 Courthouse Sq # 2100  
Kissimmee, FL 34741-5440

**State Of Florida  
County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized  
representative of the ORLANDO SENTINEL, a DAILY newspaper  
published in ORANGE County, Florida; that the attached copy of  
advertisement, being a Legal Notice in:

The matter of 11150-Public Hearing Notice  
Was published in said newspaper by print in the issues of, or by publication  
on the newspaper's website, if authorized on Apr 23, 2023.

Affiant further says that the newspaper complies with all legal requirements  
for publication in Chapter 50, Florida Statutes.



Signature of Affiant

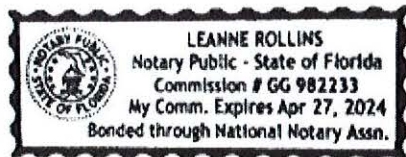
Rose Williams

Name of Affiant

Sworn to and subscribed before me on this 24 day of April, 2023,  
by above Affiant, who is personally known to me (X) or who has produced identification ( ).



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

## NOTICE

The Indian Creek Common Facilities District is conducting a public hearing for the purpose of hearing public comments regarding its proposed special assessment rate and budget for the next fiscal year 2023-2024. The public hearing will be conducted on Wednesday, May 17, 2023, beginning at 12:00 pm or soon after at the Osceola County Administration Building, Courthouse Pond Conference Room, 1 Courthouse Square, Kissimmee, FL 34741.

In accordance with Chapter 286, Florida Statutes, the public is advised that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at this hearing, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All meeting facilities are accessible in accordance with the Americans with Disabilities Act. Individuals with disabilities requiring accommodations (i.e., sign language interpreter or materials in accessible format) in order to participate in meetings, please contact the County's ADA Coordinator, at (407) 742-1200 (TTY Users Dial: 711 for the Florida Relay System) or [ada.coordinator@osceola.org](mailto:ada.coordinator@osceola.org), at least five (5) business days prior to the meeting.

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4/23/2023

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**APPENDIX B**  
**CERTIFICATE TO NON-AD VALOREM**  
**ASSESSMENT ROLL**

**CERTIFICATE  
TO NON-AD VALOREM ASSESSMENT ROLL**

**I HEREBY CERTIFY** that I am the President of the Indian Creek Common Facilities District of Osceola County, Florida; as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the Indian Creek Common Facilities District is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

**I FURTHER CERTIFY** that, in accordance with the Uniform Assessment Collection Act, this certificate and the attachment of the same to the herein described Non-Ad Valorem roll will be delivered to the Osceola County Tax Collector by September 15, 2023.

**IN WITNESS WHEREOF**, I have subscribed this certificate and directed the same to be delivered to the Osceola County Tax Collector and made part of the described Non-Ad Valorem Assessment roll this 17<sup>th</sup> day of May of 2023.

Total number of assessed parcels	462
Amount per parcel	\$ 300
<b>Total assessment amount to be collected</b>	<b>\$ 138,600</b>

**INDIAN CREEK COMMON FACILITIES  
DISTRICT**

By: Neal Kaplan  
Neal Kaplan, President  
Board of Supervisors