



## Legislation Text

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File #: 21-4783, Version: 1

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**ITEM: RESOLUTION NO. AC2021-13 (DESIGNATING ACME IMPROVEMENT DISTRICT UNIT OF DEVELOPMENT 50<sup>TH</sup> STREET)**

**A RESOLUTION OF ACME IMPROVEMENT DISTRICT DESIGNATING A UNIT OF DEVELOPMENT TO BE KNOWN AS “UNIT OF DEVELOPMENT 50<sup>TH</sup> STREET”; AUTHORIZING PUBLICATION OF A NOTICE OF HEARING ON SUCH DESIGNATION; AND PROVIDING AN EFFECTIVE DATE.**

**REQUEST:** Approval of Resolution No. AC2021-13 designating ACME Improvement District Unit of Development Classic Estates 50th Street.

**EXPLANATION:** The Village of Wellington/ACME Improvement District has received a request to form a Unit of Development for 119 acres known as Classic Estates located on 50<sup>th</sup> Street. See attached Petition.

The area consists of Classic Estates on the south side of 50<sup>th</sup> Street and a 59 acre parcel on the north side. The proposed improvement program is paving the approximate ½ mile section of 50<sup>th</sup> Street between Ousley Farms Road and South Road. Exhibit A shows an aerial of the project site.

Below is a general overview of the steps that ACME will follow in order to move forward with the requested proposed road improvement project by means of the new Unit of Development:

I. Unit of Development Formation Process.

- a. A written request/petition, plus a payment of \$2,500.00 for advertisement and administrative expenses, submitted to ACME by fee title landowners requesting the formation of a Unit of Development for specified acreage within the ACME’s jurisdictional boundaries.
- b. The landowners’ request is considered by ACME’s Board of Supervisors and the Board may adopt a Resolution designating and setting the geographical boundary of the new Unit of Development.
- c. A Notice setting a Public Hearing on ACME’s formation of the new Unit of Development must then be published once a week for two consecutive weeks.
- d. At the Public Hearing, the Board receives comments or objections, if any, from the public on ACME’s formation of the new Unit of Development.
- e. Following the Public Hearing, the Board may adopt a Resolution approving and confirming the Unit’s formation and authorize ACME’s Engineer to prepare a Plan of Improvement for the new Unit of Development.

II. Plan of Improvement Approval Process:

- a. ACME’s Engineer meets with the landowners to discuss the Project and identify the works and services that the landowners want ACME to provide. Based on these discussions and following the landowners’ provision of any needed data or information, the ACME Engineer prepares and submits a proposed

Plan of Improvement to the Board. At the Board meeting at which the proposed Plan is discussed, the Board may adopt the initial Resolution needed in order to commence the process for adoption of the proposed Plan of Improvement.

b. A Notice setting a Public Hearing on the proposed Plan of Improvement is then published once a week for three (3) consecutive weeks.

Concurrently: (i) a copy of the Notice and proposed Plan of Improvements must be delivered to the South Florida Water Management District, (ii) a copy of the Notice must be provided to the County and (iii) a copy of the Notice of Public Hearing must be sent by first class mail to each owner of real property within the new Unit of Development.

c. The Public Hearing on the proposed Plan of Improvements must be held, following which the Board may direct the ACME Engineer to prepare an Engineer's Report for the Plan of Improvements pursuant to Ch. 298, F.S.

d. Once ACME's Engineer completes the Engineer's Report, it is filed with ACME's Secretary.

e. A Notice setting a Public Hearing on the filing of the Engineer's Report and the Unit's proposed Plan of Improvement must then be published once a week for two (2) consecutive weeks to let the landowners within the Unit know that they have twenty (20) days from the last publication date of the Notice to submit written comments or objections to the Engineer's Report and Plan of Improvements.

f. The Public Hearing is then held and any timely submitted comments or objections must be considered and addressed by the Board.

g. The Board may then direct that the Engineer's Report and proposed Plan of Improvement be modified to address none, some or all of the submitted comments or objections.

h. The Board may then adopt a Resolution approving the Engineer's Report and Plan of Improvement, as submitted or modified, as the case may be.

The Board may then proceed to adopt a Resolution levying non-ad valorem assessments upon the benefitted acreage within the Unit of Development in order to pay for the cost of construction of the Plan of Improvements.

### III. Financing of the Plan of Improvements:

Once thirty (30) days have elapsed following the Unit's Plan of Improvements and Engineer's Report are adopted, ACME may then commence a bond validation proceeding in accordance with Chapter 75, Florida Statutes.

IV. Timing. This process, excluding construction, may take up to twelve months.

**BUDGET AMENDMENT REQUIRED:** NO

**PUBLIC HEARING:** NO                      **QUASI-JUDICIAL:**

**FIRST READING:**                              **SECOND READING:**

**LEGAL SUFFICIENCY:** YES

**FISCAL IMPACT:** The ACME Improvement District has received \$2,500 with the Petition.

**WELLINGTON FUNDAMENTAL:** Respecting the Environment

**RECOMMENDATION:** Approve Resolution No. AC2021-13 in order to designate Unit of Development 50th Street.