

25852
FILED FOR RECORD
KAREN MULLALY, CLERK
HERNANDO COUNTY, FL

ORDINANCE NO. 93-28

94 JAN 14 PM 3:48

1463

001635

O.R. 949 PG

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF A STREET LIGHTING SYSTEM WITHIN SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE

SECRETARY OF STATE

JAN 29 10 02 AM '93

FILED

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that street lighting is an essential service for the benefit of the health, safety and welfare of the public. It is further the finding of the Board of County Commissioners that the Legislature has in Section 125.01(1)(q), Florida Statutes, provided for the creation of municipal service benefit units as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of providing a street lighting system within the boundaries of said unit.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining, and operating a lighting system within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT" which shall be all the property

Handwritten mark resembling a stylized '9' or '4'.

located in Hernando County, Florida, within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the **WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT** shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The **WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT** shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.

B. The **WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT** shall have the following duties:

1. To establish, maintain and operate such lighting system as is necessary to implement the purpose of this Ordinance.
2. To provide a lighting system to improved and unimproved property within the benefitted area.

C. The County Administrator shall be responsible for administering the **WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT** for the following to the extent necessary to implement the purpose of this Ordinance:

1. Negotiate and recommend to the Board of County Commissioners contracts for providing specific maintenance services.
2. Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary.
3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.

- 4. Negotiate contracts with power companies for the purpose of providing a lighting system.
- 5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
- 6. Perform such other acts as are necessary to implement the purposes of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by the **WEEKI WACHEE AREA MUNICIPAL SERVICE BENEFIT UNIT** are specifically made subject to all applicable State and County laws.

SECTION V. ASSESSMENTS, LEVY AND LIEN PROVISIONS

It being recognized that the value of the benefits accrued by virtue of this Ordinance directly benefits equally all lots, tracts, parcels, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual service charge against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual service charges shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If the annual assessment levied on a lot is not paid, a Tax Certificate pertaining to the lot will be sold by the Tax Collector as set forth in Chapter 197, Florida Statutes.

SECTION VI. REPEAL

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VII. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the

O. R. 949 PG 1466

provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION VIII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on October 1, 1994, inclusive.

ADOPTED this 21st day of December, 1993, A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: *Anthony C. Mosca, Jr.*
ANTHONY C. MOSCA, JR.
CHAIRMAN

Attest:
Judy S. Korbus, Deputy
KAREN NICOLAI, CLERK



LEGAL DESCRIPTION FOR WEEKI WACHEE AREA
STREE LIGHTING MUNICIPAL SERVICE BENEFIT UNIT

Weeki Wachee Gardens, as recorded in Plat Book 6, Page 19, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens, Unit 2, as recorded in Plat Book 6, Page 35, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens, Unit 3, as recorded in Plat Book 6, Page 47, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens, Unit 4, as recorded in Plat Book 7, Page 1, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens, Unit 5 and 6, as recorded in Plat Book 7, Page 37, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens, Unit 6 Replat, as recorded in Plat Book 7, Page 40, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens Addition, as recorded in Plat Book 6, Page 64, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens Addition, Unit 2, as recorded in Plat Book 7, Page 26, Official Records of Hernando County, Florida; and

Weeki Wachee Gardens Addition, Unit 3, as recorded in Plat Book 7, Page 32, Official Records of Hernando County, Florida; and

Weeki Wachee Shores, Unit 1, as recorded in Plat Book 11, Page 36, Official Records of Hernando County, Florida; and

Weeki Wachee Shores, Unit 2, as recorded in Plat Book 11, Page 37, Official Records of Hernando County, Florida; and

Weeki Wachee Shores, Unit 3, as recorded in Plat Book 17, Page 17, Official Records of Hernando County, Florida; and

Weeki Wachee River Retreats, as recorded in Plat Book 9, Page 60, Official Records of Hernando County, Florida; and

Weeki Wachee River Estates, Unit 1, as recorded in Plat Book 6, Page 13, Official Records of Hernando County, Florida; and

Weeki Wachee River Estates, Unit 2, as recorded in Plat Book 7, Page 29, Official Records of Hernando County, Florida; and

Christian Park Subdivision, as recorded in Plat Book 17, Page 95, Official Records of Hernando County, Florida; and

South Bayport, Unit 1, as recorded in Plat Book 10, Page 28, Official Records of Hernando County, Florida; and

South Bayport, Unit 2, unrecorded Lots 13-24

O. R. 949 PG 1467

**WEEKI WACHEE AREA STREET LIGHTING M.S.B.U.
LEGAL DESCRIPTION - PAGE 2**

ALSO THE FOLLOWING DESCRIBED ACREAGE PARCELS:

- Parcel #R29 422 17 0000 0000 0030
- Parcel #R29 422 17 0000 0010 0000
- Parcel #R29 422 17 0000 0090 0010
- Parcel #R29 422 17 0000 0030 0000
- Parcel #R29 422 17 0000 2630 0000
- Parcel #R29 422 17 0000 2640 0000
- Parcel #R29 422 17 0000 2650 0000
- Parcel #R29 422 17 0000 2660 0000
- Parcel #R29 422 17 0000 2670 0000
- Parcel #R29 422 17 0000 2680 0000
- Parcel #R29 422 17 0000 0360 0000
- Parcel #R32 422 17 0000 0010 0000
- Parcel #R32 422 17 0000 0010 0010
- Parcel #R32 422 17 0000 0060 0000
- Parcel #R32 422 17 0000 0070 0000
- Parcel #R30 422 17 3570 00A0 0120
- Parcel #R30 422 17 3570 00A0 0140
- Parcel #R30 422 17 3570 00A0 0160
- Parcel #R30 422 17 3570 00A0 0170
- Parcel #R30 422 17 3570 00A0 0180
- Parcel #R30 422 17 3570 00A0 0190
- Parcel #R30 422 17 3570 00A0 0200
- Parcel #R30 422 17 3570 00A0 0210
- Parcel #R30 422 17 3570 00A0 0220
- Parcel #R30 422 17 3570 00A0 0230
- Parcel #R30 422 17 3570 00A0 0240

D. R. 949 PG 1468