

27.00

A-131

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "OVENBIRD ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE ROAD PAVING IMPROVEMENT 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 PARCEL ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

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 road paving improvements are 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 had Section 125.01(1)(q), Florida Statutes, provided for the creation of municipal service benefit units as a fund raising vehicle to grant to all counties the financing 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. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of providing road paving improvements within the boundaries of said unit, described in Exhibit "A" attached hereto and made a part hereof.

**SECTION II. CREATION OF UNIT**

For the purpose of road paving improvements within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "Ovenbird Road Paving Municipal Service Benefit Unit" which shall be all the property located in Hernando County, Florida, within the boundaries described in Exhibit "A" attached hereto and made a part hereof by reference. The improvements to be constructed are described in Exhibit "B" also attached hereto and made a part hereof by reference.

**SECTION III. GOVERNING BODY**

The Governing Body of the "Ovenbird Road Paving Municipal Service Benefit Unit" shall be the Board of County Commissioners of Hernando County, Florida.

**SECTION IV. ADMINISTRATION**

A. The "Ovenbird Road Paving 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 "Ovenbird Road Paving Municipal Service Benefit Unit" shall have the following duties:

FILED  
2001 OCT -8 PM 4:11  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILE# 2001-050926  
HERNANDO COUNTY, FLORIDA  
RCD 10M 19 2001 09:24a  
KAREN NICOLAI, CLERK

1. To construct or cause to be constructed certain road paving improvements as is necessary to implement the purpose of this Ordinance.
2. To provide road paving improvements which will benefit both improved and unimproved property within the unit.

C. The County Administrator shall be responsible for administering the “**Ovenbird Road Paving 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 improvements and 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 for the purpose of providing road paving improvements.
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 purpose of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by the “**Ovenbird Road Paving 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 ordinance 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 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**

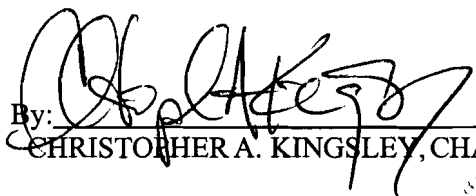
It is declared to be intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase, or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining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

**SECTION IX. EFFECTIVE DATE**

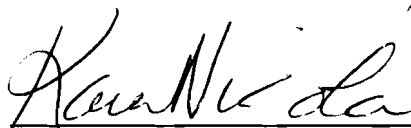
A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on January 1, 2002, inclusive.

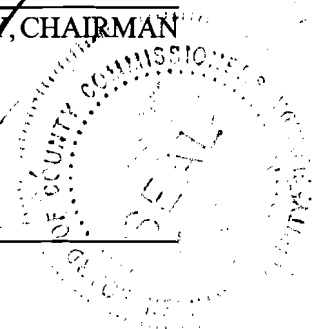
ADOPTED this 2 day of October 2001, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By:   
CHRISTOPHER A. KINGSLEY, CHAIRMAN

Attest:

  
KAREN NICOLAI, CLERK



**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR STRINGER ROAD PAVING**  
**MUNICIPAL SERVICE BENEFIT UNIT**

The legal description for the proposed Ovenbird Road MSBU may have a stipulation that transfers the MSBU requirements to all land within the MSBU regardless of any parcel or lot split, replat or any transfer of ownership after the adoption date of the MSBU described as follows:

The following described lots within Royal Highlands, Unit 9 , Lots 11-18, Block 155, Lots 1-8, Block 156, Lots 14-23, Block 169 & Lots 1-9, Block 170, as recorded in Plat Book 12, Pages 16-28, of the public records of Hernando County, Florida.

**\*\* OFFICIAL RECORDS \*\***  
**BK: 1465 PG: 690**

**EXHIBIT "B"**

**PROPOSED IMPROVEMENTS FOR OVENBIRD ROAD PAVING**  
**MUNICIPAL SERVICE BENEFIT UNIT**

Proposed improvements consist of regrading swales, address drainage concerns, preparation of existing limerock as sub-base, application of six inches (6") prepared limerock base covered with 1 ½" of asphalt, sodding, seeding and mulching, as required to meet Limited County Standards.

**\*\* OFFICIAL RECORDS \*\***  
**BK: 1465 PG: 691**