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ORDINANCE NO. 2000-17

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS "THE OAKS STREET LIGHTING 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 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 ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER UNIT/LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

FILE# 2001-001122
HERNANDO COUNTY, FLORIDA

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 vehicle granting to all counties flexibility to levy special service charges or special assessments 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 Street Lighting Municipal Service Benefit Unit for the purposes of providing without limitation a street lighting system within the boundaries of said unit.

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KAREN NICOLAI, CLERK

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining, and operating a street lighting system within the area described herein and for any other purpose allowed by law there is hereby created a Municipal Service Benefit Unit to be known as the "The Oaks Street Lighting 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 thereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the "The Oaks Street Lighting Municipal Service Benefit Unit" shall be the Board of County Commissioners of Hernando County, Florida.

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CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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SECTION IV. ADMINISTRATION

A. “The Oaks Street Lighting 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 Oaks Street Lighting Municipal Service Benefit Unit” shall have the following duties:

1. To establish, maintain, and operate such street 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 Oaks Street Lighting 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 Oaks Street Lighting 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 all lots, tracts, parcels, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual service charge or special assessment against each lot, tract, parcel, cooperative parcel, and condominium parcel within the unit for the purposes set forth herein. The service charge or special assessment 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

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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

Ordinance 98-22 is repealed in its entirety as are all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict.

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 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

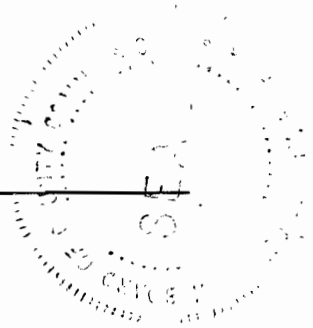
A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on October 1, 2001, inclusive.

Adopted this 19th day of December 2000, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By *Christopher A. Kingsley*
CHRISTOPHER A. KINGSLEY
CHAIRMAN

Attest: *Karen Nicolai*
KAREN NICOLAI, CLERK



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *William B. ...*
County Attorney's Office

EXHIBIT "A"

**** OFFICIAL RECORDS ****
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A certain parcel or tract located in Sections 3 & 4, Township 23 S, Range 18 E, Hernando County, Florida, more particularly described as follows:

Beginning at the W 1/4 corner of Section 3, Township 23 S, Range 18 E; thence S89°38'52"E, 1,374.26 feet to a point; thence N 00°24'49"E, 1,700.70 feet to a point, said point being the SW corner of the NE 1/4 of the NW 1/4 of Section 3; thence, S89°42'41"E, 1,325.01 feet to a point, said point being the SE corner of the NE 1/4 of NW 1/4 of Section 3; thence N00°21'58"E, 546.50 feet to a point, said point being a common corner to Lot 167 of Hernando Highlands, an unrecorded subdivision; thence, with the common line of Lot 167, N89°49'17"E, 735.00 feet to a point, said point lying on the west right-of-way boundary of Barclay Road; thence with the west right-of-way line N00°02'53"E, 574.70 feet to a point, said point being a common corner to Lot 164 of Hernando Highlands; thence, leaving the right-of-way, with the common line of Lot 164, S89°51'51"W, 731.81 feet to a point; thence N00°21'58"E, 574.93 feet to a point, said point being the N 1/4 corner of Section 3, and a common corner to Lot 4 of the B & S Subdivision; thence with the common line of the B & S Subdivision N89°38'18"W, 2,649.65 feet to a point, said point being the NW corner of Section 3; thence N89°10'46"W, 142.04 feet to a point, said point being a common corner to Spring Hill Unit 20, as recorded in Plat Book 9, pages 65-80, of the public records of Hernando County, Florida; thence with the common line of Spring Hill Unit 20, S23°44'27"W, 3,710.08 feet to a point; thence leaving the line of Spring Hill Unit 20, S89°49'23"E, 1,562.95 feet to the Point of Beginning, containing 233.2 acres.

Subject to the Florida Power Corporation easement as recorded in OR Book 113, Page 365 of the Public Records of Hernando County, Florida; and water franchise agreement recorded in OR Book 136, Page 387 of the Public Records of Hernando County, Florida.