

P. M. ...

ORDINANCE NO. 89-23

FILED FOR RECORD
KAREN NICOLAI, CLERK
HERNANDO COUNTY, FL

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AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "LINDEN RETREAT SUBDIVISION 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 BOUNDARIES 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 THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT THE SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; 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 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 creating, establishing, maintaining and operating a lighting system within the area described in Exhibit "A".

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining and operating a lighting system with the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "LINDEN RETREAT SUBDIVISION 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.

SECTION III. GOVERNING BODY

The Governing Body of the LINDEN RETREAT SUBDIVISION MUNICIPAL SERVICE BENEFIT UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The LINDEN RETREAT SUBDIVISION 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 LINDEN RETREAT SUBDIVISION 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 benefited area.
- C. The County Administrator shall be responsible for administering the LINDEN RETREAT SUBDIVISION 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 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 LINDEN RETREAT SUBDIVISION 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 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, 1990, inclusive.

ADOPTED this 12th day of December, 1989, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: *Richard C. Killingsworth*
RICHARD C. KILLINGSWORTH
CHAIRMAN

Attest:

Karen Nicolai
KAREN NICOLAI, CLERK OF COURT

EXHIBIT "A"

Legal Description for Linden Retreat Subdivision M.S.B.U.

The West 1/4 of the Southwest 1/4 of the Southeast 1/4 and the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southeast 1/4 and the East 1/2 of the Southwest 1/4 of the Southeast 1/4, Less the West 3/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 and the North 320 feet of the West 1/2 of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 and the North 320 feet of the West 50 feet of the West 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, all being in Section 33, Township 23 South, Range 18 East, Hernando County, Florida and LESS the South 40 feet thereof as deed to the State of Florida for road right-of-way purposes in Hernando County, Florida.