

ORDINANCE NO. 88-17

**FILED**  
88 MAY 16 PM 2:46  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE CREATING A MUNICIPAL SERVICE TAXING UNIT TO BE KNOWN AS "THE OAKS MUNICIPAL SERVICE TAXING UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF 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 THE 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 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 a lighting system 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 taxing and benefit unit 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 Taxing Unit for the purpose of creating, establishing, maintaining and operating a lighting system within the area described in Exhibit "A", attached hereto and made a part hereof by reference.

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 Taxing Unit to be known as "THE OAKS MUNICIPAL SERVICE TAXING 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 OAKS MUNICIPAL SERVICE TAXING UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. THE OAKS MUNICIPAL SERVICE TAXING 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 MUNICIPAL SERVICE TAXING 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 OAKS MUNICIPAL SERVICE TAXING UNIT and shall be responsible 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 OAKS MUNICIPAL SERVICE TAXING 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 within the Unit, the County Commission is hereby authorized to levy an annual service charge against each lot 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 October 1st of each year.

#### 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


This ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

ADOPTED THIS 11<sup>th</sup> DAY OF May, 1988, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: 

DAVID D. RUSSELL, SR., CHAIRMAN

Attest: 

KAREN NICOLAI, CLERK OF COURT

EXHIBIT "A"

MAY 27, 1987

THE OAKS

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, 1374.26 feet to a  
point; thence N00°24'49"E, 1700.70 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, 1325.01 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, 574.700 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 2649.65 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, 3710.08 feet to a point; thence  
leaving the line of Spring Hill Unit 20, S89°49'23"E,  
1562.95 feet to the Point of Beginning, containing 233.2  
acres.

SUBJECT TO THE FLORIDA POWER CORPORATION EASEMENT AS  
RECORDED IN O.R. 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.