

R Rm-131

ORDINANCE NO. 97-32

\*\* OFFICIAL RECORDS \*\*  
BK: 1166 PG: 1726

28.50

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "OAKLEY BRIDGE IMPROVEMENT MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR A FEASIBILITY STUDY AND IMPROVEMENTS TO THE BRIDGE 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 COMMISSIONER OF HERNANDO COUNTY; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER UNIT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

Dec 16 12 23 PM '97

FILED

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

as follows:

FILE# 97-051231  
HERNANDO COUNTY, FLORIDA  
RCD Dec 30 1997 04:01pm  
KAREN NICOLAI, CLERK

**SECTION I. FINDINGS OF FACT AND PURPOSE**

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that bridge 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 has in Section 125.01(1)(a), 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 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 Municipal Service Benefit Unit for the purpose of conducting a feasibility study to determine what type of bridge will be required to construct the bridge 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 constructing certain bridge improvements within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "Oakley Bridge Improvement 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 bridge 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 **Oakley Bridge Improvement Municipal Service Benefit Unit** shall be the Board of County Commissioners of Hernando County, Florida.

### **SECTION IV. ADMINISTRATION**

A. The **Oakley Bridge Improvement 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 **Oakley Bridge Improvement Municipal Service Benefit Unit** shall have the following duties:

1. To construct or cause to be constructed certain bridge improvements as is necessary to implement the purpose of this Ordinance.
2. To provide bridge improvements for improved and unimproved property within the benefitted area.

C. The County Administrator shall be responsible for administering the **Oakley Bridge Improvement 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 bridge improvements.
2. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
3. 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 **Oakley Bridge Improvement Municipal Service Benefit Unit** are specifically made subject to all applicable State and

**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 assessment against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The 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 annual assessment 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 work "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 October 1, 1998, inclusive.

ADOPTED this 9th day of December, 1997, A.D.

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

By:   
**PAUL H. SULLIVAN, VICE-CHAIRMAN**

**Attest:**

  
**KAREN NICOLAI, CLERK**

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**EXHIBIT "A"**

**Legal Description for  
"Oakley Bridge Improvement MSBU"**

Oakley's Mud River Subdivision an unrecorded subdivision in S ½ of SE 1/4 of NW 1/4 containing 22 residential lots, 1 community lot and 4 residential lots listed as not included on unrecorded plat, Hernando County.

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**EXHIBIT "B"**

**Proposed Improvements for  
"Oakley Bridge Improvement MSBU"**

The proposed improvements consist of conducting a feasibility study to determine which method of replacing the bridge will be necessary, which will require obtaining the necessary permits from appropriate governmental agencies, and includes engineering fees. The proposed improvements may include: (1) replacement of the failing bridge with culverts, (2) replace bridge with bridge pile supports, or (3) replace with in kind bridge open span.

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