

ORDINANCE NO. 74-3

AN ORDINANCE PROVIDING PROCEDURES FOR THE PROVISIONS OF ROAD IMPROVEMENTS PAID FOR BY ASSESSMENTS OF ABUTTING PROPERTY OWNERS; REQUIRING PETITION OF SIXTY PERCENT (60%) OF ABUTTING PROPERTY OWNERS TO IMPLEMENT PROCEDURES; REQUIRING PUBLIC HEARING TO GRANT OR DENY PETITION; REQUIRING MOTION OF BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE COMMENCEMENT OF IMPROVEMENTS, COST OF IMPROVEMENTS AND METHOD OF ASSESSMENT; REQUIRING ASSESSMENT ROLL; PROVIDING FOR HEARING ON ASSESSMENT ROLL AND EQUALIZATION OF SAME; PROVIDING FOR CREATION AND FORECLOSURE OF ASSESSMENTS LIEN; AND PROVIDING AN EFFECTIVE DATE

FILED
MAY 20 1974
CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners has received several requests from property owners that Hernando County devise a method whereby property owners abutting a road which they desire to pave or otherwise improve may request that the improvement be made by Hernando County and the cost of the improvement assessed against all abutting property owners; and

WHEREAS, the Board of County Commissioners of Hernando County have determined that a procedure to allow road improvements to be paid by assessments paid by all abutting property owners will result in special benefits to said abutting property owners and will allow Hernando County to provide road improvements that would not presently be available solely from general County revenues;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hernando County:

1. SHORT TITLE. This ordinance shall be known as and may be referred to as the "Hernando County Road Improvement Assessment Ordinance."

2. PROCEDURE. Upon receipt of a petition signed by

sixty percent (60%) of the property owners abutting any road in the unincorporated areas of Hernando County stating that said property owners desire the Board of County Commissioners of Hernando County to implement procedures to provide the requested road improvement with the cost, or a portion of the cost, to be paid by assessments of all abutting property owners, the Board of County Commissioners shall implement the following procedures:

(a) The Board of County Commissioners shall fix the date of a public hearing on the petition. Notice of the hearing shall be given in writing to each property owner abutting the street to be improved, said notices to be mailed to the address shown on the then current tax assessment rolls of Hernando County. Additionally, notice of the hearing shall be published once in a newspaper of general circulation in Hernando County at least seven (7) days prior to the date of the hearing.

(b) Notice referred to above shall specify the beginning and ending points of the road improvement project, the type of road improvement to be made, the estimated cost of the road improvement and the proposed method or alternative methods for the payment of the cost of the improvement.

(c) The Board of County Commissioners shall consider all comments and information provided at the public hearing and all other information deemed relevant by the Board and shall grant or deny the petition. If the petition is not granted, a similar petition may not be re-presented to the Board of County Commissioners for a period of six (6) months. If the petition is granted, the Board of County Commissioners shall by motion duly made, passed and recorded in the minutes of the meeting, authorize commencement of the project specifying the beginning

and ending points of the project, the cost of the project and the method of payment of such costs and any other special instructions or conditions imposed by the Board.

(d) Upon passage of the motion authorizing commencement of the project, an assessment roll showing the properties to be assessed in accordance with the method of assessment provided for by the Board shall be prepared by the County Engineer and filed in the minutes of the Board of County Commissioners. The assessment roll shall show at least the following information: The lots and lands assessed, the amount of assessment against each lot or parcel of land and if the assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered and shown upon the assessment roll.

(e) Upon completion of the assessment roll, a copy of the assessment roll shall be mailed to the address of each property owner as shown by the then current tax assessment rolls of Hernando County. Along with the assessment roll, there shall be mailed a notice specifying a date and time at which property owners may appear before the Board of County Commissioners to present any complaints relative to the assessments.

(f) After hearing any complaints of any property owners, the Board of County Commissioners may equalize, adjust or otherwise alter any assessments so as to insure the fairness of the assessment and so as to insure that no undue hardships are created. At the conclusion of the hearing, the assessments shall be recorded by the Clerk of the Board in a special book to be known as the "Road Improvement Lien Book" and in the official records of Hernando County maintained by the Clerk of the

Circuit Court and such record of the lien shall constitute prima facie evidence of its validity.

(g) The assessments shall be payable at the time and in the manner stated in the Board's motion authorizing commencement of the project and said special assessments shall remain liens, co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all of the liens, title and claims, until paid. Any assessment not paid when due and payable shall have added thereto a penalty at the rate of one percent (1%) per month until paid.

(h) Upon the failure of any assessment to be paid within one (1) year of the date due and payable, the Board of County Commissioners shall cause the necessary legal proceedings to be brought by the County Attorney to foreclose the assessment lien including penalties, court costs and reasonable attorney's fees assessed as a part of the foreclosure proceeding. The foreclosure proceeding shall be prosecuted to a sale and conveyance of the property involved in said proceeding as now provided by law in suits to foreclose mortgages.

3. EFFECTIVE DATE. This ordinance shall take force and effect as provided by law.

ADOPTED this 30th day of April, 1974.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY

Jack R. Underwood
Jack R. Underwood, Vice Chairman

Attest:

Harold W. Brown
Harold W. Brown, Clerk