

WHEREAS, the Board of County Commissioners has the authority pursuant to Section 125.01 (1) (r), Florida Statutes, to levy and collect special assessments; and

WHEREAS, the Board of County Commissioners has the authority to develop a method whereby property owners abutting a road which is in need of paving, construction, or other improvement may be assessed for the cost of the improvements; and

WHEREAS, an alternate procedure to that established in Hernando County Ordinance No. 74-3 is needed for the levying of special assessments upon the initiative of the Board of County Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. This Ordinance shall be known as, and may be referred to as, the "Hernando County Initiated Special Assessment Ordinance."

SECTION 2. Upon the adoption of a resolution by the Hernando County Board of County Commissioners finding that a road within the unincorporated area of Hernando County is in need of road improvements, and further finding that the road improvement project is one which is appropriate for the cost, or a portion of the cost, to be paid by special assessments by all abutting property owners, the Board of County Commissioners is hereby authorized and empowered to levy special assessments against all abutting property owners to pay the cost, or a portion of the cost, of the road improvement project upon the compliance with the following procedure:

a. The Board of County Commissioners shall, upon its own initiation, adopt a resolution describing the proposed road improvement project, and setting the date of a public hearing on the question as to whether or not a special assessment shall be levied to pay the cost, or a portion of the cost, of the road improvement project. Notice of the hearing shall be given in writing to each property owner abutting the road to be improved with said notices to be mailed by certified mail, return receipt requested, to the address shown on the then current tax assessment rolls of Hernando County. The notices shall be postmarked at least ten (10) days prior to the date of the hearing.

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b. Additionally, notice of the hearing shall be published once in a newspaper of general circulation in Hernando County at least seven days (7) prior to the date of the hearing.

c. 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.

d. 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 if the road improvement project is to be authorized, the Board of County Commissioners shall adopt a resolution authorizing the commencement of the project, specifying the beginning and ending points of the project, specifying the type and scope of the project, specifying the estimated cost of the project and the method of payment of such costs and any other special instructions or conditions imposed by the Board.

e. Upon adoption of the resolution authorizing commencement of the project, a preliminary 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 or such other County agency as may be designated by the Board of County Commissioners and filed with the Board of County Commissioners. The preliminary assessment roll shall show at least the following information: The lots and lands assessed, the amount of the assessment against each lot or parcel of land if the assessment is to be paid in installments, and the number of annual installments in which the assessment is divided shall be entered and shown upon the preliminary assessment roll.

f. Upon completion of the preliminary assessment roll, a notice of the preliminary assessment for each parcel shall be mailed to the address of each affected property owner as shown by the then current tax assessment rolls of Hernando County.

g. Upon completion of the road improvement project, the County Engineer or such other County Agency as may be designated by the Board of County Commissioners shall certify to the Board of County Commissioners the final cost of the project and shall prepare a final assessment roll which shall contain the same information as

the preliminary assessment roll except that the amount of the assessments shall be modified to reflect the certified cost of the project.

h. Upon completion of the final assessment roll, and the filing of it with the Board of County Commissioners, a notice of the final assessment for each parcel shall be mailed to the address of each affected property owner as shown by the then current tax assessment rolls of Hernando County.

i. Along with the final assessment roll, there shall be mailed a notice specifying a date and time for a public hearing at which property owners may appear before the Board of County Commissioners to present any complaints relative to the special assessments.

j. After hearing any complaints and comments of any property owners, the Board of County Commissioners may equalize, adjust or otherwise alter any special assessments so as to insure that no undue hardships are created. At the conclusion of the hearing, the special assessments shall be recorded by the Clerk to the Board in a special book to be known as 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. Any challengers to the validity of any such lien shall be contested in a court of competent jurisdiction within thirty (30) days from the date of the recording of the lien; otherwise, any action to contest any such lien shall be barred.

k. The special assessments shall be payable at the time and in the manner stated in the Board's resolution 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.

l. Upon the failure of any assessment, or installment thereof, to be paid within one year (1) 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 entire balance of the special assessment lien including penalties, court costs and reasonable attorney's fees assessed as 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.

SECTION 3. All resolutions and assessment rolls adopted pursuant to this ordinance shall be recorded in the public records of Hernando County and shall constitute notice to the owners of any affected property, and their successors in title, of the pendency of a special assessment lien upon the affected property.

SECTION 4. The procedure for levying of special assessments authorized by this ordinance shall be supplemental to any other procedure authorizing the levy of special assessments. This Ordinance shall provide an alternative procedure to that procedure authorized by the Hernando County Ordinance No. 74-3.

SECTION 5. SEVERABILITY: If any section, part of section, paragraph, clause, phrase or word of **this ordinance is declared invalid**, the remaining provisions of this ordinance shall not be affected.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective as provided by law.


ADOPTED in Regular Session this 14th day of September, 1982, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By


FRANK FISH, CHAIRMAN

Attest


HAROLD WILLIAM BROWN, CLERK