

ORDINANCE NO. 86-23

AN ORDINANCE PROVIDING PROCEDURES FOR THE PROVISION'S OF ROAD IMPROVEMENTS PAID FOR BY ASSESSMENTS OF ABUTTING PROPERTY OWNERS; REQUIRING PETITION OF 51% OR GREATER OF ABUTTING PROPERTY OWNERS TO IMPLEMENT PROCEDURES; 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 OF ASSESSMENT ROLL AND EQUALIZATION OF SAME; PROVIDING FOR CREATION AND FORECLOSURE OF ASSESSMENTS LIEN; AND PROVIDING AN EFFECTIVE DATE AND TO PROVIDE FOR INCLUSION IN THE COUNTY CODE AND TO REPEAL ORDINANCE NO. 74-3

WHEREAS, the Board of County Commissioners has received 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 the improvement be accomplished by Hernando County and the cost of the improvement assessed against all abutting property owners and all property owners who derive a direct benefit from such improvements using frontage foot method of calculation, realizing that Special Case options exists; 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 and all property owners who derive a direct benefit will result in special benefits to said 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

SECTION I. SHORT TITLE

This Ordinance shall be known as and may be referred to as the "Hernando County Special Assessments for Road Improvements Ordinance".

SECTION II. PROCEDURE

Prior to the circulation of the petition the Public Works Department will determine if a Special Case exists and coordinate with the designated project spokesman to determine how the Special Case will be handled. Upon completion, the Public Works Department will prepare a project scope for formal consideration by the Board of County Commissioners via consent agenda.

Upon approval by the Board, the Public Works Department will release a petition and upon receipt of said petition signed by 51% or greater of the property owners abutting any road in the unincorporated areas of Hernando County and those property owners receiving a direct benefit stating that said property owners

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desire the Board of County Commissioners of Hernando County to implement procedures to provide the requested road improvement with 67% of the actual cost to be paid by assessments of all abutting property owners and those who receive a direct benefit, 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 and to those receiving a direct benefit, said notices to be mailed to the address shown on the then correct assessment rolls or Hernando County. Additionally, a notice of the hearing shall be published once in a newspaper of general circulation in Hernando County at least fifteen (15) 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 represented 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 financing 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 Administrator 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 amounts 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 notice 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, for final public hearing when property owners may

appear before the Board of County Commissioners. Notice of said hearing also shall be published once in a newspaper of general circulation at least fifteen (15) days prior to the scheduled hearing.

F. After public hearing, 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 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 it's validity.

G. The assessment 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 deemed 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 proceedings. The foreclosure 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 III. REPEAL

Hernando County Ordinance No. 74-3, is hereby repealed in its entirety. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION IV. 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 V. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners 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 VI. EFFECTIVE DATE

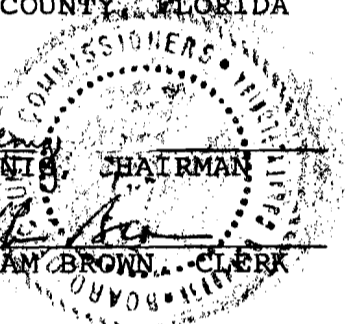
This Ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED THIS 28th DAY OF October 1986, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: William Koenig
WILLIAM KOENIG, CHAIRMAN

Attest: Harold William Brown
HAROLD WILLIAM BROWN, CLERK



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HAROLD WM. BROWN, CLERK
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