

ORDINANCE NO. 95-15

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "CARACARA AVENUE ROAD IMPROVEMENT MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE IMPROVEMENT OF CARACARA AVENUE 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 COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

SEP 26 3 17 PM '95

FILED

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 road 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 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 Benefit Unit for the purpose of constructing certain road 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 road improvements within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "Caracara Avenue Road 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 road 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 **Caracara Avenue Road Improvement Municipal Service Benefit Unit** shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The **Caracara Avenue Road 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 **Caracara Avenue Road Improvement Municipal Service Benefit Unit** shall have the following duties:

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

C. The County Administrator shall be responsible for administering the **Caracara Avenue Road 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 road 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 **Caracara Avenue Road Improvement Municipal Service Benefit 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, tracts, parcels, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual service charge against each lot, tract, parcel, cooperative parcel and condominium parcel 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 the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual service charges 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, 1996, inclusive.

ADOPTED this 19th day of September, 1995, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: 
JOHN RICHARDSON, CHAIRMAN

Attest:


KAREN NICOLAI, CLERK



EXHIBIT "A"

**LEGAL DESCRIPTION FOR
CARACARA AVENUE ROAD IMPROVEMENT MUNICIPAL SERVICE BENEFIT UNIT**

Royal Highlands Subdivision Unit 9, Block 144, Lots 11 & 12; Block 145, Lots 11 & 12; Block 146, Lot 1; Block 148, Lots 1-5; and Block 165, Lot 1; all abutting Caracara Avenue located within Section 25, Township 22 South, Range 17 East, Hernando County, Florida.

EXHIBIT "B"

DESCRIPTION OF IMPROVEMENTS FOR CARACARA AVENUE ROAD IMPROVEMENT ASSESSMENT M.S.B.U.

Improvements consist of regrading swales, address drainage concerns, preparation of existing limerock as sub-base, application of six inch (6") prepared limerock base covered with one inch plus (1"+) of asphalt, sodding, seeding and mulching, as required to meet Limited County Standards.