

ORDINANCE NO. 2005- 06

(B) 6/2

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "WATERBIRD WAY ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE ROAD PAVING IMPROVEMENT 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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2005 JUN 21 AM 11:09

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 paving 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)(q), Florida Statutes, provided for the creation of municipal service benefit units as a fund raising vehicle to grant to all counties the financing 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. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of providing road paving improvements within the boundaries of said unit, described in Exhibit "A" attached hereto and made a part hereof.

OFFICIAL RECORDS
BK: 2051 PG: 1414

SECTION II. CREATION OF UNIT

For the purpose of road paving improvements within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "**Waterbird Way Road Paving 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, as such property currently exists or as it may be split, subdivided, re-platted or otherwise re-designated by the Hernando County Property Appraiser subsequent to the effective date of this ordinance. The 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 "**Waterbird Way Road Paving Municipal Service Benefit Unit**" shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

R RM 131

A. The **“Waterbird Way Road Paving 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 **“Waterbird Way Road Paving Municipal Service Benefit Unit”** shall have the following duties:

1. To construct or cause to be constructed certain road paving improvements as is necessary to implement the purpose of this Ordinance.
2. To provide road paving improvements which will benefit both improved and unimproved property within the unit.

C. The County Administrator shall be responsible for administering the **“Waterbird Way Road Paving 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 specific improvements and maintenance services.
2. Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary.
3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
4. Negotiate contracts for the purpose of providing road paving improvements.
5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
6. Perform such other acts as are necessary to implement the purpose of this Ordinance to the extent consistent herewith, including but not limited to the acquisition of such interests in property as may be necessary to construct improvements to County standards in compliance with any applicable permitting requirements.

D. The powers to be exercised by the **“Waterbird Way Road Paving 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 parcels, tracts, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual assessment against each parcel, tract, 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 parcel is not paid, a Tax Certificate pertaining to the parcel 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 re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION VIII. SEVERABILITY

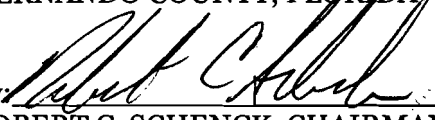
It is declared to be intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase, or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining 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 January 1, 2006, inclusive.

ADOPTED this 14th day of June, 2005, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: 
ROBERT C. SCHENCK, CHAIRMAN

Attest:


KAREN NICOLAI, CLERK

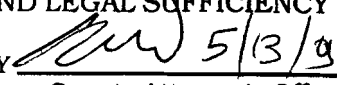
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY:  5/13/05
County Attorney's Office

EXHIBIT "A"

**LEGAL DESCRIPTION FOR WATERBIRD WAY ROAD PAVING
MUNICIPAL SERVICE BENEFIT UNIT**

The following described lots in Hernando County, Florida as identified below per the existing records of the Hernando County Property Appraiser and as further depicted on the attached sketch (Exhibit "C"):

Lots 61 – 85, Voss Oak Lake Estates, Unit 4

The Waterbird Way Road Paving MSBU shall include all of the foregoing parcels as presently constituted, as well as any additional or re-designated parcels that may come into existence at a future date by parcel split, subdivision, re-plat, transfer of ownership, or any other process or means occurring on or after the effective date of this ordinance.

EXHIBIT "B"

PROPOSED IMPROVEMENTS FOR WATERBIRD WAY ROAD PAVING
MUNICIPAL SERVICE BENEFIT UNIT

Proposed improvements consist of regrading swales, address drainage concerns, preparation of existing limerock as sub-base, application of six inches (6") prepared limerock base covered with 1 1/2" of asphalt, sodding, seeding and mulching, as required to meet Limited County Standards.



HERNANDO COUNTY
 Proposed Waterbird Way Road Paving
 Municipal Service Benefit Unit (MSBU)

OFFICIAL RECORDS
 BK: 2051 PG: 1419

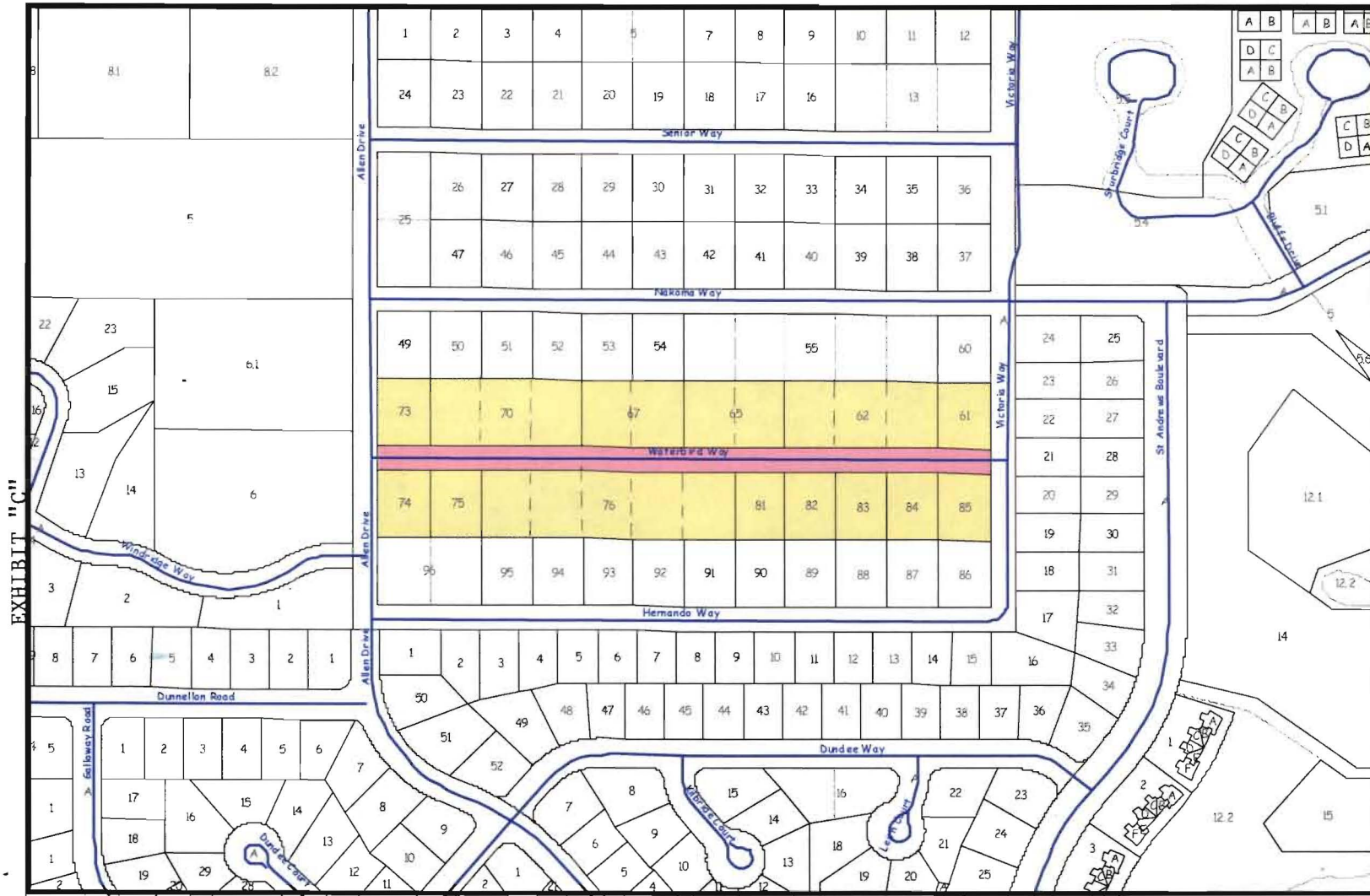


EXHIBIT "C"

Legend

- Proposed MSBU Area
- Proposed Road to be Paved



Hernando County Geographic Information System (GIS)
 Standard Legal Disclaimer

"The information in this database or its representation upon a digital or hard copy thereof is compiled and/or generated for Hernando County purposes. It is not necessarily official, and may or may not reflect the most recent changes. Accordingly, use of all information is at the user's own risk, and Hernando County hereby disclaims any liability for claims, damages, injury or loss of any kind based upon use of or reliance upon the information herein for any purpose whatsoever."