

## Darlene Christensen

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Wednesday, October 11, 2017 2:26 PM  
**To:** Darlene Christensen  
**Cc:** County Ordinances  
**Subject:** Hernando20171011\_Ordinance2017\_35\_Ack.pdf  
**Attachments:** Hernando20171011\_Ordinance2017\_35\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 11, 2017

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 3621  
Brooksville, Florida 34601

Attention: Darlene Christensen, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2017-35, which was filed in this office on October 11, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

## ORDINANCE NO. 2017-35

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "MARSH WREN AVE. 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 PLATTED LOT/PARCEL ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

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.

### **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 "**Marsh Wren Ave. 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 "**Marsh Wren Ave. Road Paving Municipal Service Benefit Unit**" shall be the Board of County Commissioners of Hernando County, Florida.

#### **SECTION IV. ADMINISTRATION**

A. The "**Marsh Wren Ave. 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 "**Marsh Wren Ave. 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 "**Marsh Wren Ave. 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 "**Marsh Wren Ave. Road Paving Municipal Service Benefit Unit**" are specifically made subject to all applicable State and County laws.

E. The County intends to use legally available non-ad valorem revenues from the Constitutional Gas Tax Fund to finance the project costs on an interim basis. The County intends to reimburse itself for the expenditure of such revenues from a draw upon the County's line of credit upon the completion of the project, which amount of such draw shall equal the cost of the project less any payments made by residents.

#### **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 platted lots, parcels, tracts, cooperative parcels and condominium

parcels within the Unit, the County Commission is hereby authorized to levy an annual assessment against each platted lot, 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 the 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.

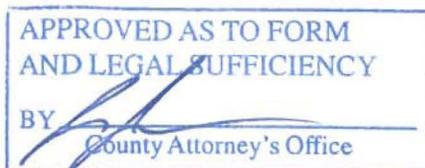
ADOPTED this 10<sup>th</sup> day of October, 2017, A.D.



BOARD OF COUNTY  
COMMISSIONERS HERNANDO  
COUNTY, FLORIDA

By:

  
WAYNE DUKES, CHAIRPERSON



Attest:

  
DONALD C. BARBEE, JR., CLERK

# EXHIBIT "A"

## LEGAL DESCRIPTION FOR MARSH WREN AVE. ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT

The following described parcels in Hernando County, Florida as identified below: All lots on Marsh Wren Ave. Road.

ROYAL HIGHLANDS UNIT 5 BLK 314 LOT 8-10 & 12-15, BLK 316 LOT 1 & 11-12, BLK 317 LOT 1 & 11-13, BLK 322 LOT 5-9, BLK 323 LOT 1 & 10, BLK 324 LOT 1 & 7.

The Marsh Wren Ave. 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.

The recommended method for assessing the **23** benefitting properties for the paving improvement is an equal per lot assessment as described in the plat recorded in public records, or as those lots have been split into a separate residential lot/parcel, as well as non-platted acreage parcels and corner lots/parcels, unless corner lots abut two or more unimproved roadways for which they will receive one-half assessment for each improved road. All government properties are exempt from being assessed.



**Legend**  
[Red outline] Assessment Boundary  
[Yellow fill] Project Limits

Marsh Wren Ave  
Proposed Road Paving MSBU

Scale - Not To Scale  
Prepared by Dept. of Public Works Engineering Div.  
Map Date - 02/13/17



Hernando County Department of Public Works Engineering Division  
The information on this website is an electronic copy of a digital map that has been converted into a digital format. It is not intended to be used as a legal document. It is intended to be used as a reference only. It is not intended to be used as a legal document. It is intended to be used as a reference only. It is not intended to be used as a legal document. It is intended to be used as a reference only.

**EXHIBIT "B"**

**PROPOSED IMPROVEMENTS FOR MARSH WREN AVE.**  
**ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT**

Proposed improvements consist of regrading swales, preparation of existing limerock as sub-base, application of six inches (6") prepared limerock base covered with 1-½" of asphalt, sodding, seeding and mulching, as required to meet Limited County Standards.