

ORDINANCE NO. 2002-19

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "HERNANDO BEACH PHASE IV FIRE HYDRANT MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE INSTALLATION OF FIRE HYDRANTS 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.

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 fire protection is 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 that 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 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 providing fire hydrants 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 installing fire hydrants within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "**Hernando Beach Phase IV Fire Hydrant 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 improvements to be constructed are described in Exhibit "B" also attached hereto and made a part hereof by reference.

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CLERK OF THE COUNTY OF HERNANDO
TALLAHASSEE, FLORIDA

SECTION III. GOVERNING BODY

The Governing Body of the **Hernando Beach Phase IV Fire Hydrant Municipal Service Benefit Unit** shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The **Hernando Beach Phase IV Fire Hydrant 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 **Hernando Beach Phase IV Fire Hydrant Municipal Service Benefit Unit** shall have the following duties:

1. To establish, maintain, and operate such fire hydrants as is necessary to implement the purpose of this Ordinance.
2. To install fire hydrants which will benefit both improved and unimproved property within the unit.

C. The County Administrator shall be responsible for administering the **Hernando Beach Phase IV Fire Hydrant 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 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 a fire hydrant system.
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.

D. The powers to be exercised by the **Hernando Beach Phase IV Fire Hydrant 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 assessment against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The assessments 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 assessments 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 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 October 1, 2003, inclusive.

ADOPTED this 8th day of October 2002, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By *Hannah M. Robinson*
Hannah M. Robinson, Chairperson

Attest:

Karen Nicolai

KAREN NICOLAI, CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *William Dyer*
County Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION FOR HERNANDO BEACH UNIT PHASE IV
FIRE HYDRANT MUNICIPAL SERVICE BENEFIT UNIT

Gulf Coast Retreats Unit 1, a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 6 Page 78, and

Gulf Coast Retreats Unit 1 Replat, a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 7 Page 3, and

Gulf Coast Retreats Unit 3, Lots 1-16, Block 23, a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 6, Page 90 and

Gulf Coast Retreats Unit 5 Replat, Lots 1-9, Block 50 and Lots 1-7, Block 51, a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 7, Page 4 and

Tidewater Commercial Center a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 18, Page 14 and

Holiday Out Gardens a subdivision of Section 12, Township 23 South, Range 16 East, Hernando County, Florida, as recorded in Plat Book 17, Page 68.

EXHIBIT "B"

PROPOSED IMPROVEMENTS FOR GULF COAST RETREATS PHASE IV **FIRE HYDRANT MUNICIPAL SERVICE BENEFIT UNIT**

Proposed improvements consist of installing 19 fire hydrants, upgrading the proposed 4" waterlines by Hernando County Utilities Department to 6" to accommodate proposed fire hydrant installation. The project cost is based on the assumption the Hernando County Utilities Department is preparing to upgrade the existing waterlines for domestic service only (i.e., 4"). In addition, the incremental waterline pipe cost (difference between 4" and 6") to provide adequate fire hydrant flow is included in the estimate. The proposed waterline route will be constructed within the swale between the edge of pavement and County right-of-way line.