

ORDINANCE NO. 2003-19

FILE# 2003-082594
HERNANDO COUNTY, FLORIDA

6/28/03

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "CROWELL 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 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 "**Crowell Road Paving Municipal Service Benefit Unit**" which shall be all the property located in Hernando County, Florida, within the boundaries described in Exhibits "A" and "B" attached hereto and made a part hereof by reference. The improvements to be constructed are described in Exhibit "C" also attached hereto and made a part hereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the "**Crowell Road Paving Municipal Service Benefit Unit**" shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The "**Crowell 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.

R-Room 131

B. The "**Crowell 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 "**Crowell 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.

D. The powers to be exercised by the "**Crowell 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 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 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 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 January 1, 2004, inclusive.

ADOPTED this 18th day of November, 2003, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: *Diane B. Rowden*
Diane B. Rowden, Vice Chairperson

Attest:

Jessie E. Werner, Deputy
KAREN NICOLAI, CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* 11/6/03
County Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION FOR CROWELL ROAD PAVING
MUNICIPAL SERVICE BENEFIT UNIT

The legal description for the proposed Crowell Road MSBU may have a stipulation that transfers the MSBU requirements to all land within the MSBU regardless of any parcel or lot split, replat or any transfer of ownership after the adoption date of the MSBU described as follows:

The following described tracts within Crowell Acres Subdivision:

In Crowell Acres: Lot 1 less 200' thereof, East 200' of lot 1, lot 3, East 1/2 of lot 4, East 1/2 of lot 6, West 1/2 of lot 6, lot 9, lot 10 less the West 5 acres thereof, west 5 acres of lot 10, East 1/4 of lot 11, West 1/2 of lot 11, West 1/2 of East 1/2 of lot 11, East 1/2 of East 1/2 of lot 12, West 1/2 of West 1/2 of lot 12, West 1/2 of East 1/2 of lot 12, East 1/2 of West 1/2 of lot 12, East 1/2 of W 1/2 of lot 14, West 1/2 of East 1/2 of lot 14, East 1/2 of East 1/2 of lot 14, West 1/2 of West 1/2 of lot 14, East 1/2 of W 1/2 of lot 15, West 1/2 of East 1/2 of lot 15, East 1/2 of East 1/2 of lot 15, West 1/2 of West 1/2 of lot 15, West 1/2 of West 1/2 of lot 16, North 1/2 of East 1/2 of lot 16.

In Crowell Acres Unrecorded: the following parcels identified by parcel number in the records of the Hernando County Property Appraiser:

<u>Recorded</u>	<u>Recorded</u>	<u>Unrecorded</u>
R16 222 18 1635 0000 0010	R16 222 18 1635 0000 0123	R16 222 18 1635 0000 0020
R16 222 18 1635 0000 0011	R16 222 18 1635 0000 0140	R16 222 18 1635 0000 0021
R16 222 18 1635 0000 0030	R16 222 18 1635 0000 0141	R16 222 18 1635 0000 0022
R16 222 18 1635 0000 0040	R16 222 18 1635 0000 0142	R16 222 18 1635 0000 0041
R16 222 18 1635 0000 0060	R16 222 18 1635 0000 0143	R16 222 18 1635 0000 0050
R16 222 18 1635 0000 0061	R16 222 18 1635 0000 0150	R16 222 18 1635 0000 0051
R16 222 18 1635 0000 0100	R16 222 18 1635 0000 0151	R16 222 18 1635 0000 0052
R16 222 18 1635 0000 0101	R16 222 18 1635 0000 0152	R16 222 18 1635 0000 0053
R16 222 18 1635 0000 0110	R16 222 18 1635 0000 0153	R16 222 18 1635 0000 0070
R16 222 18 1635 0000 0111	R16 222 18 1635 0000 0160	R16 222 18 1635 0000 0130
R16 222 18 1635 0000 0112	R16 222 18 1635 0000 0161	R16 222 18 1635 0000 0131
R16 222 18 1635 0000 0120	R16 222 18 1635 0000 0162	
R16 222 18 1635 0000 0121		
R16 222 18 1635 0000 0122		
R16 222 18 1635 0000 0090		

As further depicted on the attached map (**EXHIBIT "B"**):

EXHIBIT "B"
Weeping Willow Street

OFFICIAL RECORDS **
1765 PG: 1665

		R16 222 18 1635 0000 0090					
		R16 222 18 1635 0000 0101		R16 222 18 1635 0000 0070			
		R16 222 18 1635 0000 0100					
		R16 222 18 1635 0000 0111		R16 222 18 1635 0000 0061			
		R16 222 18 1635 0000 0112		R16 222 18 1635 0000 0060			
		R16 222 18 1635 0000 0110					
		R16 222 18 1635 0000 0121		R16 222 18 1635 0000 0050			
		R16 222 18 1635 0000 0123		R16 222 18 1635 0000 0052			
		R16 222 18 1635 0000 0122		R16 222 18 1635 0000 0053			
		R16 222 18 1635 0000 0120		R16 222 18 1635 0000 0051			
		R16 222 18 1635 0000 0131		R16 222 18 1635 0000 0041			
		R16 222 18 1635 0000 0130		R16 222 18 1635 0000 0040			
		R16 222 18 1635 0000 0143		R16 222 18 1635 0000 0030			
		R16 222 18 1635 0000 0140					
		R16 222 18 1635 0000 0141					
		R16 222 18 1635 0000 0142					
		R16 222 18 1635 0000 0153		R16 222 18 1635 0000 0020			
		R16 222 18 1635 0000 0150					
		R16 222 18 1635 0000 0151		R16 222 18 1635 0000 0022			
		R16 222 18 1635 0000 0152		R16 222 18 1635 0000 0021			
		R16 222 18 1635 0000 0160		R16 222 18 1635 0000 0010			
		R16 222 18 1635 0000 0162					
		R16 222 18 1635 0000 0161		R16 222 18 1635 0000 0011			

Crowell Road

Moon Road

Sweet Gum Road

Charmel Street

EXHIBIT "C"

PROPOSED IMPROVEMENTS FOR CROWELL 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.