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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

DOCUMENT: F:\WPDATA\GTK\Ordinances\MSTU-MSBU\Dogwood-Amend-072109.doc
NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

ORDINANCE NO.: 2009-09

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2
3 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE EXISTING**
4 **1997 DOGWOOD ESTATES FIRE HYDRANT MUNICIPAL SERVICE**
5 **BENEFIT UNIT (MSBU) TO INCLUDE THE 15 LOTS ON THE WEST SIDE**
6 **OF WALLEN DRIVE ALONG WITH THE ORIGINAL PROPERTIES OF**
7 **THE 1997 MSBU, AND TO REVISE THE MSBU ASSESSMENTS RATE**
8 **ALLOWING CREDIT TO THOSE LOTS INCLUDED IN THE EXISTING**
9 **MSBU FOR THE AMOUNTS PREVIOUSLY PAID.**

10
11 **WHEREAS**, on December 2, 1997, the Board of County Commissioners of Hernando
12 County, Florida, adopted Ordinance No. 97-28 which established the ‘Dogwood Estates Fire Hydrant
13 Municipal Service Benefit Unit’ (hereinafter “DEFHMSBU”); and,
14

15 **WHEREAS**, Ordinance 97-28 provided for the purpose of DEFHMSBU, provided for the
16 installation of fire hydrants within said unit, provided for the adoption of rules and regulation
17 governing said units, provided for said unit to be under the control of the Board of County
18 Commissioners, provided for the administration of said unit, provided for the levy of an equitable
19 per lot assessment, and provided for the enforcement of aforesaid assessment; and,
20

21 **WHEREAS**, Ordinance 97-28 established the boundaries of DEFHMSBU as being those
22 properties described in Exhibit “A” to said Ordinance; and,
23

24 **WHEREAS**, it is desired to amend the boundaries of DEFHMSBU to include 15 lots on the
25 West side of Wallen Drive along with the original properties; and,
26

27 **WHEREAS**, the property owners subject to DEFHMSBU have been paying an annual per
28 lot assessment into the DEFHMSBU since its inception and which funds have been held and
29 accounted for by the County; and,
30

31 **WHEREAS**, it has been determined it will be necessary to revise the annual per lot
32 assessments within the DEFHMSBU, to appropriately credit those lots upon which prior assessments
33 have paid on, and to adjust each per lot assessment accordingly; and,
34

35 **WHEREAS**, the Board of County Commissioners have determined, after public hearing and
36 input from staff, that it is in the best interest of the property owners within the DEFHMSBU to
37 continue DEFHMSBU as amended herein.
38
39
40

1 **NOW THEREFORE:**
2

3 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
4 **HERNANDO COUNTY, FLORIDA:**
5

6 **SECTION 1. Amendment of Ordinance 97-28.**
7

8 Hernando County Ordinance 97-28 is hereby amended as set forth herein.
9

10 **SECTION 2. Modification of boundaries of Dogwood Estates Fire Hydrant Municipal Service**
11 **Benefit Unit; Adding 15 lots.**
12

13 The fifteen (15) lots described herein (map attached) are hereby added to the DEFHMSBU.
14

15 **SECTION 3. Adjustment of assessments; issuance of credits as may be necessary.**
16

17 The Hernando County Office of Management and Budget shall make an accounting of funds
18 paid by the lot owners of the original DEFHMSBU (prior to this amendment) and shall make the
19 proper calculations based on a pro rata/equitable allocation of funds received to date, appropriately
20 issue credits, as may be necessary, to those lots upon which prior assessments have been paid on, and
21 to adjust each per lot assessment accordingly.
22

23 **SECTION 4. Severability.**
24

25 It is declared to be the intent of the Board of County Commissioners that if any section,
26 subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held
27 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining
28 portions of this ordinance.
29

30 **SECTION 5. Inclusion in the Code.**
31

32 It is the intention of the Board of County Commissioners of Hernando County, Florida, and
33 it is hereby provided, that the provisions of Ordinance 97-28, as amended herein, shall become and
34 be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or
35 subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the
36 word "ordinance" may be changed to "section, "article," or other appropriate designation.
37

1 **SECTION 6. Effective date.**

2
3 This ordinance shall take effect immediately upon filing with the Florida Department of
4 State.

5
6 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
7 **HERNANDO COUNTY** in Regular Session this 28th day of July, 2009

8 *25 August*

9 **BOARD OF COUNTY COMMISSIONERS**
10 **HERNANDO COUNTY, FLORIDA**

11
12
13 Attest:



14 **KAREN NICOLAI**
15 **CLERK**

16
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19
20
21 By: *[Signature]*
22 **DAVID D. RUSSELL, JR.**
23 **CHAIRMAN**

22 **Approved as to Form and**
23 **Legal Sufficiency**

24
25 By:

26 *[Signature]* *7/21/09*
27 **Geoffrey T. Kirk**
Assistant County Attorney

DOGWOOD

