

ORDINANCE NO. 2009-11

FILED
2009 SEP -3 PM 3:00
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS "SOUTH BROOKSVILLE STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE, AND OPERATION OF A STREET LIGHTING SYSTEM; PROVIDING FOR BOUNDARIES OF SAID UNIT; PROVIDING THAT THE SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER UNIT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION, AND ENFORCEMENT OF THE AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; 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 street lighting 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 vehicle granting to all counties 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 purposes of providing a street lighting system within the boundaries of said unit.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining, and operating a street lighting system within the area described herein and for any other purpose allowed by law there is hereby created a Municipal Service Benefit Unit to be known as the "**South Brooksville**

Street Lighting 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 thereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the **"South Brooksville Street Lighting Municipal Service Benefit Unit"** shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. **"South Brooksville Street Lighting 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. **"South Brooksville Street Lighting Municipal Service Benefit Unit"** shall have the following duties:

1. To establish, maintain, and operate such street lighting system as is necessary to implement the purpose of this Ordinance.
2. To provide a lighting system to improved and unimproved property within the benefited area.

C. The County Administrator shall be responsible for administering **"South Brooksville Street Lighting 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.
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4. Negotiate contracts with power companies for the purpose of providing a lighting 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 purposes of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by “**South Brooksville Street Lighting 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 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 platted 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 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 ordinances 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; said Ordinance shall take effect on January 1, 2010, inclusive.

Adopted this 25th day of August 2009, A.D.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY W Moore 8/4/09
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: [Signature]
DAVID RUSSELL, SR.
CHAIRPERSON

Attest:

[Signature]
KAREN NICOLAI, CLERK



EXHIBIT "A"

**LEGAL DESCRIPTION FOR SOUTH BROOKSVILLE STREET LIGHTING
MUNICIPAL SERVICE BENEFIT UNIT**

Parson's Addition Area

A portion of Parson's Addition to Brooksville per plat book 3, page 17 located in Section 27, Township 22, Range 19 East, more particularly described by the following parcel identification numbers:

- | | |
|-------------------------------|-------------------------------|
| 1. R27 222 19 3010 0000 0430 | 18. R27 422 19 0000 0600 0000 |
| 2. R27 222 19 3010 0000 0330 | 19. R27 422 19 0000 0360 0010 |
| 3. R27 222 19 3010 0000 0432 | 20. R27 422 19 0000 0360 0000 |
| 4. R27 222 19 3010 0000 0431 | 21. R27 422 19 0000 0610 0000 |
| 5. R27 222 19 3010 0000 0333 | 22. R27 422 19 0000 0340 0000 |
| 6. R27 222 19 3010 000T 0010 | 23. R27 422 19 0000 0080 0000 |
| 7. R27 222 19 3010 0000 0420 | 24. R27 422 19 0000 0080 0010 |
| 8. R27 222 19 3010 0000 0340 | 25. R27 422 19 0000 0910 0000 |
| 9. R27 222 19 3010 0000 0190 | 26. R27 422 19 0000 0240 0000 |
| 10. R27 222 19 3010 0000 0352 | 27. R27 422 19 0000 0960 0000 |
| 11. R27 222 19 3010 0000 0351 | 28. R27 222 19 0310 0000 0161 |
| 12. R27 222 19 3010 0000 0350 | 29. R27 222 19 3010 0000 0011 |
| 13. R27 222 19 3010 0000 0371 | 30. R27 222 19 3010 0000 0160 |
| 14. R27 222 19 3010 0000 0370 | 31. R27 222 19 3010 0000 0170 |
| 15. R27 422 19 0000 0060 0000 | 32. R27 222 19 3010 0000 0031 |
| 16. R27 422 19 0000 0310 0000 | 33. R27 222 19 3010 0000 0180 |
| 17. R27 422 19 0000 0250 0000 | 34. R27 222 19 3010 0000 0030 |

Fox Wood Plantation Area

Lots 2-16 and Lots 19 and 20, Foxwood Plantation as recorded in Plat Book 16 page 89 of the public records of Hernando County, and Parcel R27 222 19 0000 0740 0000;

Kennedy Park Area

Lots 2-28 Chicochatta Park, as recorded in Plat Book 5, Page 13, of the public records of Hernando County; and the following parcels:

- | | |
|------------------------------|-------------------------------|
| 1. R26 422 19 0000 0630 0000 | 7. R26 422 19 0000 0400 0000 |
| 2. R26 422 19 0000 0210 0040 | 8. R26 422 19 0000 0530 0000 |
| 3. R26 422 19 0000 0210 0010 | 9. R26 422 19 0000 0220 0000 |
| 4. R26 422 19 0000 0420 0000 | 10. R26 422 19 0000 0460 0000 |
| 5. R26 422 19 0000 0240 0010 | 11. R26 422 19 0000 0380 0000 |
| 6. R26 422 19 0000 0210 0050 | 12. R26 422 19 0000 0210 0030 |
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EXHIBIT "A" (continued)

Olmes Road Area

The following parcels:

- | | |
|-------------------------------|--|
| 1. R26 422 19 0000 0580 0000 | 20. R26 422 19 0000 0120 0000 |
| 2. R26 422 19 0000 0110 0000 | 21. R26 422 19 0000 0430 0000 |
| 3. R26 422 19 0000 0240 0000 | 22. R26 422 19 0000 0500 0000 |
| 4. R26 422 19 0000 0030 0000 | 23. R26 422 19 0000 0480 0000 |
| 5. R26 422 19 0000 0130 0000 | 24. R26 422 19 0000 0010 0000 |
| 6. R26 422 19 0000 0660 0010 | 25. R26 122 19 0130 0000 0010 |
| 7. R26 422 19 0000 0130 0010 | 26. R25 422 19 0000 0080 0010 |
| 8. R26 422 19 0000 0280 0000 | 27. R25 422 19 0000 0070 0011 |
| 9. R26 422 19 0000 0540 0000 | 28. County |
| 10. R26 422 19 0000 0560 0000 | 29. R26 122 19 0140 0010 0100 aka
Chicochatta Park, Unit 2, Block
One, Lot 10 |
| 11. R26 422 19 0000 0440 0000 | 30. R26 122 19 0140 0010 0010 aka
Chicochatta Park, Unit 2, Block
One, Lot 1&2 |
| 12. R26 422 19 0000 0290 0000 | 31. R26 422 19 0000 0260 0030 |
| 13. R26 422 19 0000 0550 0000 | 32. R26 422 19 0000 0260 0000 |
| 14. R26 422 19 0000 0600 000 | 33. R26 422 19 0000 0050 0000 |
| 15. R26 422 19 0000 0660 0000 | 34. R25 422 19 0000 0070 0012 |
| 16. R26 422 19 0000 0670 0000 | |
| 17. R26 422 19 0000 0520 0000 | |
| 18. R26 422 19 0000 0020 0000 | |
| 19. R26 422 19 0000 0510 0000 | |

South of MLK

All of Brooksville Manor as recorded in Plat Book 4 page 16 of the public records of Hernando County;

All of Horton Addition as recorded in Plat Book 3 page 33 of the public records of Hernando County;

All of PH Grelle's Subdivision as recorded in Plat Book 5, Page 1, including the designated school site, of the public records of Hernando County;

And the following parcels:

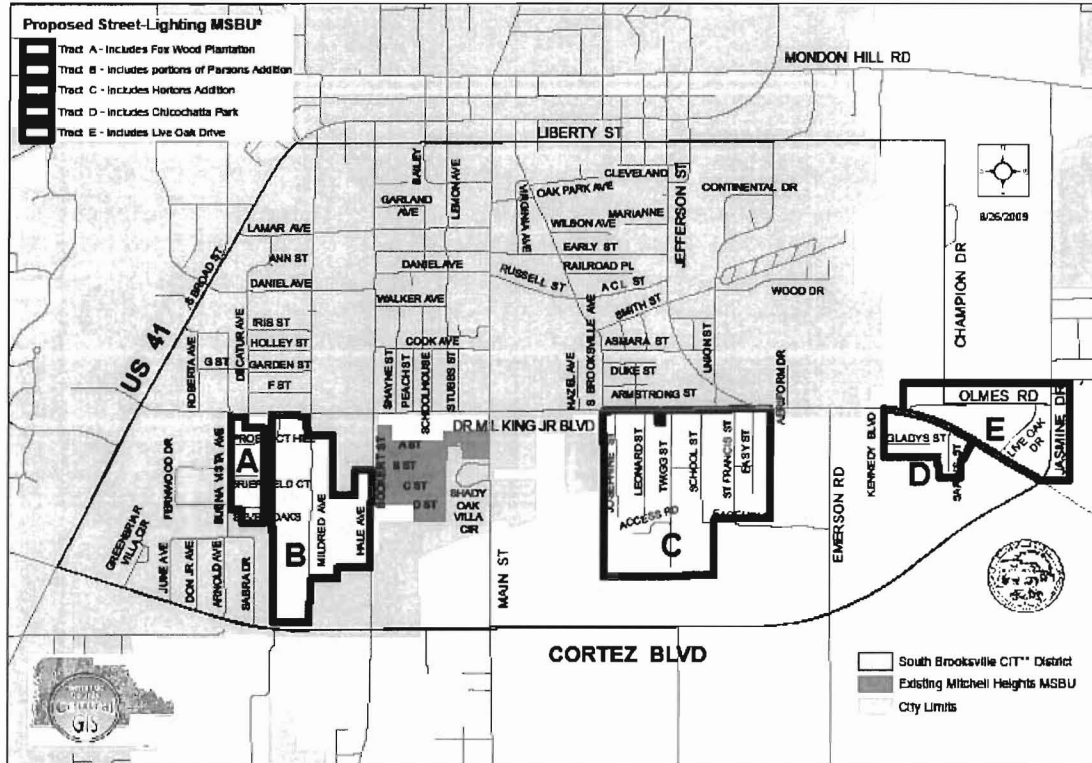
- | | |
|------------------------------|------------------------------|
| 1. R26 422 19 0000 0360 0010 | 3. R26 422 19 0000 0410 0000 |
| 2. R26 422 19 0000 0360 0000 | |

The South Brooksville Street Lighting 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"

BOUNDARY MAP FOR SOUTH BROOKSVILLE STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT

Proposed Street-Lighting MSBU in South Brooksville CIT** District*



r:\plan\dev\mcb\msbu\msbu.mxd
r:\plan\dev\mcb\lighting_mz\l_bk.ppt

* Municipal Services Benefit Unit

0 0.25 0.5 Miles

** Community Initiatives Team