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131  
OFFICIAL RECORDS  
BK: 2735 PG: 761

ORDINANCE NO. 2010-17

FILED  
2010 MAR 23 AM 10:31  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "OWL 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 FRONT FOOT 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**

  
LT1-2-2010021174-1

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**

  
LT2-2735-761-5

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 "**Owl 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**

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HERNANDO COUNTY CLERK OF COURT  
KAREN NICOLAI

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

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

A. The “**Owl 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 “**Owl 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 “**Owl 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 “**Owl 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 parcels, tracts, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual assessment against each 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 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, 2011, inclusive.


ADOPTED this 9th day of March, 2010, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By:   
JOHN DRUZBICK, CHAIRPERSON

Attest:   
KAREN NICOLAI, CLERK



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY:   
County Attorney's Office

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR OWL ROAD PAVING**  
**MUNICIPAL SERVICE BENEFIT UNIT**

The following described parcels in Hernando County, Florida as identified below:

Lots 16-27, Block 154, Royal Highlands Unit 9  
Lots 1-10, Block 155, Royal Highlands Unit 9  
Lots 9-16, Block 168, Royal Highlands Unit 9  
Lots 1-11, Block 169, Royal Highlands Unit 9  
Lots 9-12, Block 174, Royal Highlands Unit 9

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The Owl 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.

**EXHIBIT "B"**

**PROPOSED IMPROVEMENTS FOR OWL 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.