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Hernando County, Florida
10/19/2004 1:45PM
KAREN NICOLAI, Clerk

ORDINANCE NO. 2004- 23

OFFICIAL RECORDS
BK: 1916 PG: 221

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS "ORCHARD PARK III MULTIPURPOSE MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE, AND OPERATION OF A STREET LIGHTING SYSTEM AND A SYSTEM FOR MAINTENANCE OF GROUNDS AT THE FRONT ENTRANCE (DEER STREET) OF SAID UNIT; 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 LOT 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 and grounds maintenance at the front entrance of the parcel described in this ordinance are essential services 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 and maintenance of grounds in the public right-of-way at the front entrance within the boundaries of said unit.

SECTION II. CREATION OF UNIT

FILED
2004 OCT - 8 PM 2:45
DEPARTMENT OF CLERK
TALA AHASSE, FLORIDA

For the purpose of creating, establishing, maintaining, and operating a street lighting system and front entrance maintenance of grounds 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 "**Orchard Park III Multipurpose 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 "**Orchard Park III Multipurpose Municipal Service Benefit Unit**" shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. "**Orchard Park III Multipurpose 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. "**Orchard Park III Multipurpose 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.
3. To provide maintenance of grounds, electric, and water in the public right-of-way at the front entrance within the boundaries of the unit.
4. To establish, maintain, or operate any service, function, structure, facility, or system as permitted by law.

C. The County Administrator shall be responsible for administering "**Orchard Park III Multipurpose 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 maintenance of entrance areas.
3. Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary
4. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
5. Negotiate contracts with power companies for the purpose of providing a lighting system.
7. Hire such personnel as are necessary to implement the purposes of this Ordinance.
8. 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 "**Orchard Park III Multipurpose 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 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, 2005, inclusive.

Adopted this 5th day of October 2004, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: Hannah M. Robinson
HANNAH M. ROBINSON,
CHAIRPERSON

Attest: Karen Nicolai
KAREN NICOLAI, CLERK

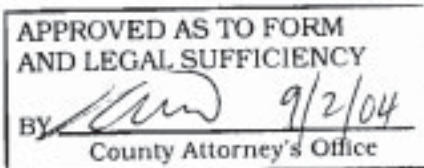


EXHIBIT "A"

The legal description for the proposed Orchard Park III Multipurpose MSBU shall include a stipulation that transfers the MSBU requirements to all land within the MSBU regardless of any parcel or parcel split, re-plat or any transfer of ownership after the adoption date of the MSBU described as follows:

A certain parcel or tract located in Sections 24, Township 23 S, Range 17 E, Hernando County, Florida, described at Book 1747, page 586, Official Records of Hernando County; and as depicted on the attached sketch and more particularly described as follows:

Commencing at the Northeast corner of Section 24, Township 23 South, Range 17 East, thence go South $00^{\circ}22'08''$ West, for a distance of 1955.0 feet, to the Point of Beginning, thence commence South $00^{\circ}22'08''$ West 692.54 feet, thence North $89^{\circ}38'44''$ West 2592.30 feet, thence North $12^{\circ}14'48''$ East 707.74 feet, thence South $89^{\circ}38'44''$ East 2446.63 feet to the Point of Beginning, said tract containing approximately 41.21 acres, more or less.