

Room 13R

ORDINANCE NO. 96-31

\*\* OFFICIAL RECORDS \*\*  
BK: 1171 PG: 854

288

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "NIGHTWALKER/FULTON ROAD IMPROVEMENT MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE IMPROVEMENTS OF NIGHTWALKER/FULTON ROAD 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 LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

NOV 27 2 08 PM '96

FILED

FILE# 98-003527  
HERNANDO COUNTY, FLORIDA

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 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)(a), Florida Statutes, provided for the creation of municipal service benefit units as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges 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 purpose of constructing certain road improvements within the boundaries of said unit, described in Exhibit "A", attached hereto and made a part hereof.

REC'D Jan 29 1998 02:00pm  
KAREN NICOLAI, CLERK

**SECTION II. CREATION OF UNIT**

For the purpose of constructing certain road improvements within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "Nightwalker/Fulton Road Improvement 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. The road improvements to be constructed are described in Exhibit "B", also attached hereto and made a part hereof by reference.

**SECTION III. GOVERNING BODY**

The Governing Body of the Nightwalker/Fulton Road Improvement Municipal Service Benefit Unit shall be the Board of County Commissioners of Hernando County, Florida.

**SECTION IV. ADMINISTRATION**

A. The Nightwalker/Fulton Road Improvement 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 Nightwalker/Fulton Road Improvement Municipal Service Benefit Unit shall have the following duties:

1. To construct or cause to be constructed certain road improvements as is necessary to implement the purpose of this Ordinance.
2. To provide road improvements for improved and unimproved property within the benefitted area.

C. The County Administrator shall be responsible for administering the Nightwalker/Fulton Road Improvement 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 road improvements.
2. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
3. 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 Nightwalker/Fulton Road Improvement 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 service charge against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The service charge 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 service charges 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.

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BK: 1171 PG: 857

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 work "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 October 1, 1997, inclusive.

ADOPTED this 19th day of November, 1996, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

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

Attest:

Karen Nicolai  
KAREN NICOLAI, CLERK



EXHIBIT "A"

Royal Highlands Subdivision, Unit 2, Block 15, Lot 3-13; Block 16, Lots 1-6; Block 17, Lots 1-6; Block 18, Lots 1-5; Block 19, Lots 1-5; Block 20, Lot 1-7; Block 23, Lots 1 & 24; Block 25, Lots 7-14; Block 26, Lots 1 & 24; Block 28, Lots 1 & 24; Block 30, Lots 1-10; Block 31, Lots 1-8; and Unit 9, Block 17, Lots 7-13 Block 20, Lot 8; Block 113, Lots 1-4; excluding County owned properties, located within Sections 24 & 25, Township 22 S., Range 17 E., and Section 19, Township 22 S., Range 18 E., Hernando County, Florida.

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EXHIBIT "B"

The proposed improvements consist of regrading swales, address drainage concerns, preparation of existing limerock as subbase, application of six inches (6") prepared limerock base covered with one inch plus (1"+) of asphalt, sodding, seeding and mulching, as required to meet Limited County Standards.

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