

Room 13

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ORDINANCE NO. 97-27

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR THE MERGER OF THE PRESENT EAST HERNANDO COUNTY FIRE PROTECTION DISTRICT, SOUTH CENTRAL HERNANDO COUNTY FIRE PROTECTION DISTRICT, AND DOGWOOD ESTATES FIRE PROTECTION DISTRICT MUNICIPAL SERVICE BENEFIT UNITS INTO A NEW FIRE PROTECTION DISTRICT ENTITLED EAST HERNANDO COUNTY FIRE PROTECTION DISTRICT MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS AND A PROCEDURE FOR LEVYING AND COLLECTING SAID SPECIAL ASSESSMENTS; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 95-12, ORDINANCE NO. 91-35, AND ORDINANCE NO 90-25, HERNANDO COUNTY, FLORIDA, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONER OF HERNANDO COUNTY, FLORIDA:

SECTION I. FINDING OF FACT AND PURPOSE.

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It is hereby found by the Board of County Commissioners of Hernando County, Florida, that fire protection is an essential service for the benefit of 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)(g), Florida Statutes, provided for the creation of a municipal service taxing and benefit unit as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges and 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 and in order to provide a needed and necessary service. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of creating, establishing, maintaining, and operating a fire protection system within the areas described in Exhibit "A", attached hereto and made a part hereof by reference.

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SECTION II. CREATION OF UNIT.

For the purpose of creating, establishing, maintaining, and operating a fire protection system within the area described herein, there is hereby created a Municipal Service Benefit Unit to be know as the "East Hernando County Fire Protection District", which shall be all the property within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference, located in Hernando County, Florida.

SECTION III. GOVERNING BODY.

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The Governing Body of the East Hernando County Fire Protection District shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. DUTIES OF BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners shall perform all duties necessary for the establishment, operation,

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maintenance, training, and control of fire fighting units, fire control units, and first responder.

SECTION V. POWERS OF THE BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners is authorized and empowered as follows:

- A. To make rules and regulations for its own government and proceedings and to adopt an official seal for the unit.
- B. To employ engineers, attorneys, accountants, financial, and other experts and such other agents and employees as said board may require to deem necessary to effectuate the purposes of this Ordinance or to contract for any such service authorized by this Ordinance.
- C. To acquire in the name of the district by purchase, lease, gift, or the exercise of the right of eminent domain, such lands and rights and interest therein, as it may deem necessary in connection with the furnishing of services authorized by this Ordinance and to hold and dispose of all real and personal property under its control; provided, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the district.
- D. To designate the official address of the unit and where the records and seal shall be kept.
- E. To designate the bank or proper institution for the deposit and care of any funds and negotiable documents of the unit not required to be deposited with the County Treasurer.
- F. To sue and be sued in its own name, plead and be impleaded.
- G. To acquire, lease as lessee or lessor, construct, reconstruct, improve, enlarge, equip, repair, maintain, and operate fire fighting equipment and units within the jurisdiction of the unit.
- H. To determine the rate of special assessments, fees, and other charges for operation of the system and/or for the use of the above services.
- I. To acquire in the name of the unit by gift or purchase of any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of fire fighting and rescue equipment and units within the district, and to hold and dispose of all real and personal property under its control.
- J. To accept grants of money or materials or property of any kind for the district from any Federal or State agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
- K. To do all acts and things necessary or convenient to carry out the powers and duties granted by this Ordinance.
- L. To borrow money to enable the unit to carry out the provisions of this Ordinance.
- M. The powers herein granted shall be exercised by the Board of County Commissioners.

N. The Board of County Commissioners will appoint an Advisory Board of seven (7) members.

SECTION VI. BUDGET.

Within the time set by general law for County budgets, the Board of County Commissioners shall adopt a budget for the ensuing fiscal year showing the following information:

A. Cash balances to be carried over; current special assessments, fees, charges and proceeds received from the sale of exchange of property of the district or for special services or by gift.

B. An estimate of all ordinary and special and extraordinary expenditures which are contemplated and are deemed necessary to be made during the ensuing fiscal year.

C. Actual receipts and disbursements for the past fiscal year. Upon approval of the budget, the County Commissioners shall cause to be levied a sufficient annual special assessment levy on all real property within said unit to raise said budget, and such levy shall be assessed on a regular annual basis. The special assessment shall be assessed and collected by the proper County officers. Said funds shall be deposited in a County Depository in fund designated as "Board of County Commissioners - East Hernando County Fire Protection District". The assessments shall be determined according to the provisions in Section VIII.

SECTION VII. SPECIAL ASSESSMENTS, LEVY AND LIEN PROVISIONS.

A. General Provisions

It being recognized that the value of the benefits accrued by virtue of this division directly benefits all real property within the unit, the County Commission is hereby authorized to levy an annual special assessment against each lot, parcel, or piece of real property however designated within the unit for the purposes set forth herein.

The special assessment imposed 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 special 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 property may be sold by the tax collector as set forth in Chapter 197, Florida Statutes.

B. Special Provisions

For property requiring special services from the Unit, the Unit shall be authorized and empowered to enter into service contracts for the providing of such special service to any property. The charges to be made for such special service contracts shall be reflected in the contract pursuant to standards promulgated by the Unit.

SECTION VIII. BOARD OF ADJUSTMENT AND APPEALS.

On or before December 31st of each year, a property owner may appeal by filing a petition of an appeal of the special assessment to the Hernando County Board of County Commissioners sitting as a Board of

Adjustment and Appeals.

SECTION IX. CAPITAL RESERVES.

The Commissioners are empowered to set up reservations in their budget in excess of their estimated expenditures for the ensuing fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures.

SECTION X. COUNTY COMMISSIONERS-FISCAL & OTHER REGULATIONS.

The Board of County Commissioners may by proper resolution establish rules and regulations regarding the operation of the district.

SECTION XI. DECLARATION OF SPECIAL BENEFIT.

It is hereby declared and determined by the Hernando County Board of County Commissioners that the establishment and maintenance of the unit, as aforesaid, will confer special benefits upon the lands within said unit for which a special assessment may be assessed or collected by Hernando County, Florida, within the provisions of Florida Law.

SECTION XII. FIRE PROTECTION CONTRACTS.

Municipalities within Hernando County may enter into contracts with said unit for the operation of fire-fighting equipment or for the furnishing of fire protection within said unit and said unit may enter into contracts with municipalities, with other fire districts or units or private organizations for furnishing fire protection in said units.

SECTION XIII. ADMINISTRATION.

The County Administrator shall be responsible for ensuring the administration of the unit.

SECTION XIV. REPEAL.

Any ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION XV. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners 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 XVI. 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.

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SECTION XVII EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 2nd day of December, 1997, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

Attest: Michelle Hentzman
KAREN NICOLAI, *Deputy Clerk*
Clerk

By: Hannah M. Robinson
HANNAH M. ROBINSON
Chairwoman



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EXHIBIT "A"

EAST HERNANDO COUNTY FIRE PROTECTION DISTRICT

Starting at southwest corner Sec 35, Twp 23S, Rge 18E, the P.O.B.; thence east along the southerly boundary of Hernando and northerly boundary of Pasco County to the southeast corner of Sec 13, Twp, 23 Rge 21; thence north along the easterly range line range 21E to the Little Withlacoochee River and Withlacoochee River between Hernando and Sumter County to the north boundary line of Sec 8, Twp 22S, Rge 21E; thence westerly along said section line to the intersection of Croom Rd; thence westerly along the center line of Croom Rd. to the easterly boundary of Dogwood Heights Unrecorded; thence northerly along the easterly boundary of Dogwood Heights Unrecorded; thence westerly along the northerly boundary to the east boundary of Sec 12, Twp 22S, RGE 19; thence southerly along the boundary of Twp 22 to the southeast corner of Sec 36, Twp 22, Rge 19; thence westerly along the northerly boundary of Twp 23, Rge 19 to the northwest corner of Sec 6, Twp 23, Rge 19; thence southerly along the west Sec line of 6 and 7, Twp 23, Rge 19 to the center line of Powell Rd; thence westerly along the center line of Powell Rd. to the northwest corner of Sec 13, Twp 23, Rge 19; thence southerly along west section lines to the northerly boundary of Quail Meadows, Phase I, as recorded in Plat Book 18 Page 77-79; thence easterly and southerly along said boundary to the center line of Spring Hill Dr.; thence westerly along the center line of Spring Hill Dr. to the northerly boundary of Hernando County Industrial Park, Unit I, as recorded in Plat Book 17 Page 80-83; thence westerly along the north boundary of Hernando County Industrial Park, Unit I to the west boundary line of SE 1/4 of Sec 14, Twp 23, Rge 18; thence southerly to the northeast corner of the northwest 1/4 of the northerly boundary of Sec 26, Twp 23, Rge 18; thence westerly along the north boundary said Sec 26 to the center line of Anderson Snow Rd.; thence southerly along the center line of Anderson Snow Rd. to the POB.

LESS: Dogwood Estates, Phase 5 as recorded in Plat Book 16 Page 95: and Less the Hernando County Airport further described as:

- Twp 23, Rge 18E, Sec 14, the south half of the SE 1/4;
- Sec 23, the east 1/2;
- Sec 26, NE 1/4;
- Sec 13, the south 1/2 of the south 1/2: and the NE 1/4 of the SE 1/4 ;Sec 24, all;
- Sec 25, the north 1/2;
- Twp 23, Rge 19E, Sec 18, southwest 1/4, the west 1/2 of the southeast 1/4: the south 25 feet of the northeast 1/4 of the southeast 1/4;
- Sec 19, all lying north and west of U.S. highway 41;
- Sec 30, all of the northwest 1/4 lying north and west of U.S. highway 41;
- LESS the following two parcels: Parcel (1) the Brooksville Industrial Airpark as recorded in Plat Book 16, Page 85 and the south 1/2 of the northwest 1/4 of the southwest 1/4 of Sec 18, Twp 23S, Rge 19E:
- Parcel (2) as described in OR Book 318, Page 488 further described as; Commencing at the Southwest corner of Section 30, Township 23 South, Range 19 East, Hernando County, Florida; thence North along the West line of said Section 30 a distance of 2,641.23 feet; thence North 88°56'40" East, a distance of 839.90 feet; thence North 25°42'43" East, a distance of 1,330.72 feet to the POINT OF BEGINNING; thence North 64°20'30" West, a distance of 718.52 feet; thence North 0°43'00" West, a distance of 800.00 feet; thence North 89°17'00" East, a distance of 1,200.00 feet; thence South 25°42'43" West, a distance of 1,249.83 feet to the POINT OF BEGINNING, containing 21.2 acres, more or less.
- All lying in Hernando County, Florida....

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