

ORDINANCE NO. 2023-_____

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "KENSINGTON WOODS 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 WITHIN SAID UNIT; PROVIDING FOR THE BOUNDARIES 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 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 AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND 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 fund-raising vehicle granting 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 a street lighting system within the boundaries of said unit, described in Exhibit "A" attached hereto and made a part hereof.

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 "Kensington Woods 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 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.

SECTION III. GOVERNING BODY

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

SECTION IV. ADMINISTRATION

- A. The "Kensington Woods 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. The "Kensington Woods 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 which will benefit both improved and unimproved property within the unit.
- C. The County Administrator shall be responsible for administering the "Kensington Woods 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.
 4. Negotiate contracts 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 purpose of this Ordinance to the extent consistent herewith.
- D. The powers to be exercised by the "Kensington Woods 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 equally all platted lots, parcels, tracts, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual assessment against each

platted lot, 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 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.

ADOPTED this ____ day of _____, 2023, A.D.

Attest:

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

DOUGLAS A. CHORVAT, JR.
Clerk and Comptroller

By: _____
JOHN ALLOCCO
Chairman

Approved for Form and Legal Sufficiency



County Attorney

EXHIBIT " A "

LEGAL DESCRIPTION FOR

KENSINGTON WOODS STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT

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

A parcel of land as described in Official Records Book 3538, Page 508, Book 3538, Page 511, Book 3513, Page 1764 and Book 3513, Page 1766 of the public records of Hernando County, Florida, said parcel of land also lying in Section 34, Township 22 South, Range 18 East, Hernando County, Florida and being more particularly described as follows:

Commence at the Southeast corner of Section 34, Township 22 South, Range 18 East, Hernando County, Florida; thence along the East line of the Southeast 1/4 of Section 34, Township 22 South, Range 18 East, North 00°19'09" East for a distance of 1913.35 feet to the Point of Beginning, being the Southeast corner of the Northeast 1/4 of Section 34, Township 22 South, Range 18 East; thence along the South line of the Northeast 1/4 of Section 34, Township 22 South, Range 18 East, North 89°59'08" West for a distance of 1314.42 feet to the East line of a parcel described in Official Records Book 3777, Page 1282; thence along said East line, North 00°23'23" East for a distance of 173.07 feet to the North line of said parcel described in Official Records Book 3777, Page 1282; thence along said North line and the South line of the South 20 feet of Tract 19 (unrecorded B&S Subdivision), North 89°40'38" West for a distance of 629.83 feet to the East right-of-way of Lucky Lane (50 foot public right-of-way); thence along said East right-of-way of Lucky Lane, North 00°14'26" East for a distance of 358.51 feet to the North right-of-way of Lucky Lane (50 foot public right-of-way); thence along said North right-of-way of Lucky Lane, North 89°46'14" West for a distance of 127.41 feet to the South Easterly line of a parcel described in Official Records Book 2900, Page 922; thence along said South Easterly line, North 65°43'35" East for a distance of 258.45 feet to the East line of a parcel described in Official Records Book 2900, Page 922; thence along said East line, North 00°06'32" West for a distance of 310.37 feet to the South line of a parcel described in Official Records Book 1976, Page 16; thence along said South line, North 88°52'50" East for a distance of 193.65 feet to the East line of a parcel described in Official Records Book 1976, Page 16; thence along said East line, North 00°05'26" East for a distance of 82.27 feet to the South line of parcels described in Official Records Book 1976, Page 16 and Official Records Book 3874, Page 662; thence along said South line, North 89°42'05" East for a distance of 296.09 feet; thence along the South line of Parcels described in Official Records Book 3874, Page 662, Official Records Book 2516, Page 1275, Official Records Book 1012, Page 1294, Official Records Book 1012, Page 1292, and Official Records Book 2698, Page 95, North 89°39'13" East for a distance of 600.76 Feet; thence along the South

line of a parcel described in Official Records Book 3123, Page 433, North 89°31'00" East for a distance of 91.27 feet to the West line of a parcel described in Official Records Book 3123, Page 433; thence along said West line, South 00°39'39" West for a distance of 88.48 feet to the West line of a parcel described in Official Records Book 1670, Page 1324; thence along said West line, South 00°18'33" West for a distance of 624.89 feet to the South line of Official Records Book 1670, Page 1324; thence along said South line, South 89°58'28" East for a distance of 658.14 feet to the East line of the Northeast 1/4 of Section 34, Township 22 South, Range 18 East; thence along the East line of the Northeast 1/4 of Section 34, Township 22 South, Range 18 East, South 00°16'57" West for a distance of 330.94 feet to the Southeast corner of the Northeast 1/4 of Section 34, Township 22 South, Range 18 East and the Point of Beginning.

Said parcel of land containing 31.88 acres, more or less.

The Kensington Woods Street Lighting Municipal Service Benefit Unit 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.

The recommended method for assessing the benefitting properties for the street lighting is an equal per lot assessment as described in the plat recorded in public records. All government properties are exempt from being assessed.