

**ORDINANCE NO. 18-19-12**

AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, BY AMENDING ARTICLE XV, CREATING THE OAK MANOR AVENUE ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT TO FUND THE PAVING OF A PORTION OF OAK MANOR AVENUE; DESCRIBING THE BOUNDARIES OF THE OAK MANOR AVENUE ROAD PAVING MUNICIPAL SERVICE BENEFIT UNIT; AUTHORIZING THE ANNUAL LEVY OF NON-AD VALOREM ASSESSMENTS WITHIN THAT UNIT TO PROVIDE FOR THE PAVING OF A PORTION OF OAK MANOR AVENUE; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA:

**SECTION 1. Amendment and Adoption.** Chapter 9 of the Code of Ordinances, Highlands County, Florida, is amended by amending Article XV, which is adopted to read as follows:

ARTICLE XV. OAK MANOR ROAD PAVING MUNICIPAL  
SERVICE BENEFIT UNIT

**Sec. 9-309. Findings of Fact and Purpose.** The Board of County Commissioners of Highlands County, Florida, hereby finds that road paving improvements are an essential service for the benefit of the health, safety, and welfare of the public. The Board of County Commissioners further finds that in Section 125.01(1)(q), Florida Statutes, the Legislature has 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. The purpose of this Ordinance is 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.

**Sec. 9-310. Definitions.** As used in this Article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

- (a) *Act* means Chapter 125, Florida Statutes.
- (b) *Annual Assessment Resolution* means the resolution establishing the rate at which the Oak Manor Avenue Road Paving Assessment for a specific Fiscal Year will be computed. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year in which a Road Paving Assessment is imposed.
- (c) *Assessed Property* means all parcels of land included on the Assessment Roll and subject to the Oak Manor Avenue Road Paving Assessments contemplated by this Article.
- (d) *Assessments* means the proceeds to be derived from assessments to be levied against the properties to be specially benefitted by the provision of road paving in the manner provided in this Article, including interest on such assessments and any penalties thereon and moneys received upon the foreclosure of the liens of any such assessments, but excluding money recovered for the expense of collecting assessments.
- (e) *Assessment Roll* means the special assessment roll relating to a Road Paving Assessment approved by a Final Assessment Resolution pursuant to this Article or an Annual Assessment Resolution pursuant to this Article.
- (f) *Board* means the Board of County Commissioners of Highlands County, Florida.
- (g) *County* means Highlands County, Florida.
- (h) *County Administrator* means the chief administrative officer of the County,

designated by the Board to be responsible for coordinating the Oak Manor Avenue Road Paving Assessments, or such person's designee.

(i) *Final Assessment Resolution* means the resolution described in this Article, which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the initial imposition of Road Paving Assessments.

(j) *Oak Manor Avenue Road Paving Assessed Cost* means the amount determined by the Board to be assessed in any Fiscal Year to fund all or any portion of the cost of the provision of road paving which provide a special benefit to Assessed Property, and shall include, but not be limited to, the following components: (1) the cost of physical construction, reconstruction or completion of any required facility or improvement; (2) the costs incurred in any required acquisition or purchase; (3) the cost of all labor, materials, machinery, and equipment; (4) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (5) the cost of computer services, data processing, and communications; (6) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (7) the cost of any indemnity or surety bonds and premiums for insurance; (8) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (9) the cost of uniforms, gear, equipment, training, travel, and per diem; (10) the cost of construction plans and specifications, surveys and estimates of costs; (11) the cost of engineering, financial, legal, and other professional services; (12) the costs of compliance with any contracts or agreements entered into by the Board to provide road paving services; (13) a reasonable amount for a capital asset replacement reserve account; (14) all costs associated with the road paving implementation, collection,

and enforcement of the Oak Manor Avenue Road Paving Assessments, including any service charges of the Tax Collector or Property Appraiser and amounts necessary to off-set discounts received for early payment of Road Paving Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Road Paving Assessments collected pursuant to this Article; (15) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of road paving services, machinery, equipment, and such other expenses as may be necessary or incidental to any related financing authorized by the Board by subsequent resolution; (16) a reasonable amount for contingencies and anticipated delinquencies and uncollectible Road Paving Assessments; and (17) reimbursement to the County or any other Person for any moneys advanced for any costs incurred by the County or such Person in connection with any of the foregoing components of Oak Manor Avenue Road Paving Assessed Cost.

(k) *Oak Manor Avenue Road Paving Assessment* means a special assessment lawfully imposed by the Board against Assessed Property to fund all or any portion of the cost of the provision of road paving services providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

(l) *Oak Manor Avenue Road Paving MSBU* means the Oak Manor Avenue Road Paving Municipal Service Benefit Unit created by this Article.

(m) *Fiscal Year* means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the County and the Oak Manor Avenue Road Paving MSBU.

(n) *Government Property* means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

(o) *Initial Assessment Resolution* means the resolution described in this Article that is the initial proceeding for the identification of the Oak Manor Avenue Road Paving Municipal Service Benefit Unit for which an assessment is to be made and for the imposition of a Road Paving Assessment.

(p) *Ordinance* means a Road Paving Assessment Ordinance, as amended from time to time.

(q) *Owner* means the Person shown as the owner of Assessed Property on the Tax Roll.

(r) *Person* means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

(s) *Preliminary Assessment Resolution* means the resolution described in this Article initiating the annual process for updating the Assessment Roll and directing the re-imposition of Road Paving Assessments pursuant to an Annual Assessment Resolution.

(t) *Property Appraiser* means the Highlands County Property Appraiser.

(u) *Tax Collector* means the Highlands County Tax Collector.

(v) *Tax Roll* means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(w) *Uniform Assessment Collection Act* means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**Sec. 9-311. Creation of Unit.** For the purpose of providing road paving improvements within the area described herein, the Oak Manor Avenue Road Paving Municipal Service Benefit Unit is hereby created, which shall be all property located in Highlands 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 Highlands County Property Appraiser subsequent to the effective date of this Ordinance. The improvements to be constructed are described in Exhibit "A", also attached hereto and made a part hereof by reference.

**Sec. 9-312. Governing Body.** The governing body of the Oak Manor Avenue Road Paving Municipal Service Benefit Unit shall be the Board of County Commissioners of Highlands County, Florida.

**Sec. 9-313. Authorization of Service Charges and Non-Ad Valorem Assessments.** The Board is hereby authorized to levy annual service charges and non-ad valorem assessments upon real property within the Oak Manor Avenue Road Paving Municipal Service Benefit Unit, beginning with the County budget for the fiscal year beginning October 1, 2020. The budget, service charges, and assessment rates for the Oak Manor Avenue Road Paving Municipal Service Benefit Unit shall be approved and levied in the manner provided by general law for the levy of County service charges and non-ad valorem assessments.

**Sec. 9-314. Authorization of Expenditures.** Revenues derived from service charges and non-ad valorem assessments levied within the Oak Manor Avenue Special Benefit Unit shall be used to pave the certain portion of Oak Manor Avenue as shown on Exhibit "A".

**SECTION 2. Conflict.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

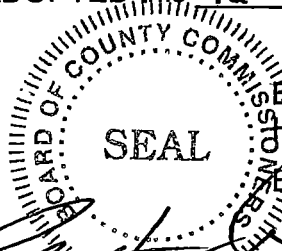
**SECTION 3. Inclusion in Code.** When the text of this Ordinance is published for inclusion in the Code the sections of this Ordinance may be renumbered or re-lettered for such inclusion.

**SECTION 4. Severability.** The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon filing with the Florida Department of State.

DONE AND ADOPTED this 16<sup>th</sup> day of April, 2019.

(SEAL)



BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

James L. Brooks, Chairman

ATTEST:

Robert W. Germaine, Clerk



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

April 17, 2019

Honorable Robert W. Germaine  
Clerk of the Circuit Court  
Highlands County  
590 South Commerce Avenue  
Sebring, Florida 33870-3867

Attention: Ms. Pamela Gamez

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 18-19-12, which was filed in this office on April 17, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb