

ORDINANCE NO. 22-10

AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA; AMENDING CHAPTER 19 SPECIAL DISTRICTS OF THE SANTA ROSA COUNTY FLORIDA CODE; ESTABLISHING THE HAMPTON CHASE SUBDIVISION LIGHTING MUNICIPAL SERVICE BENEFIT UNIT; THE PANDION PLACE SUBDIVISION LIGHTING MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING THE RESERVE AT THE WATERS SUBDIVISION LIGHTING MUNICIPAL SERVICE BENEFIT UNIT; ESTABLISHING THE WATER'S EDGE SUBDIVISION LIGHTING MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR THE LEVY OF ASSESSMENTS BY THE COUNTY FOR SUBDIVISION LIGHTING; PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENT BY THE NON-AD VALOREM ASSESSMENT PROCEDURE; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA, AS FOLLOWS:

It is hereby found and declared by the Board of County Commissioners of Santa Rosa County:

SECTION 1. FINDINGS.

1. It is necessary to provide for the street lighting services in the Hampton Chase Subdivision, the Pandion Place Subdivision, the Reserve at the Water's Subdivision and The Water's Edge Subdivision.

2. The Santa Rosa County Board of County Commissioners finds that the most equitable method of providing such funding is through the creation of the Municipal Service Benefit Units (the Units) for each of these subdivisions to include the properties as set forth in Exhibits A, B, C and D for each of the Units.

3. The Units will utilize non-ad valorem assessments to ensure that all property owners benefiting from the lighting shall fund the complete cost of such service.

4. This Ordinance is adopted under the authority provided to the County under Chapters 125 and 197, Florida Statutes and the covenants contained in any ordinance, resolution, or indenture securing the issuance of financing for the project.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context words used in the present tense include the future tense, words in the plural number include the singular, and words in the singular number include the plural. Words used herein and not otherwise defined shall have the

meaning given to them in the Act.

1. "ANNUAL ASSESSMENT" means the annual assessment imposed upon a parcel of real property for the provision of subdivision lighting. Said assessment shall be assessed annually.

2. "ANNUAL ASSESSMENT ROLL" means the list prepared by the County and confirmed by the Board containing a summary description of each parcel of real property within the unit, the name and address of the Owner of each such parcel as indicated on the records maintained by the Property Appraiser and the assessment authorized by this Ordinance against each parcel.

3. "BOARD" means the Board of County Commissioners of Santa Rosa County, Florida, or the governing body by any other name in which the general legislative powers of the County are vested.

4. "CLERK" means the Clerk of the Circuit Court of Santa Rosa County, Florida.

5. "COUNTY" means Santa Rosa County, Florida.

6. "GOVERNMENTAL AGENCY" any local, state, or federal agency.

7. "OWNER" means the person or persons owning an interest in real property located within a Unit.

8. "PERSON" means an individual, partnership, corporation, joint venture, private or public service company or entity, however organized.

9. "PROPERTY APPRAISER" means the Property Appraiser of Santa Rosa County, Florida.

10. "RATE RESOLUTION" means the resolution adopted under the provisions of Section 6 of this Ordinance incorporating a schedule of annual assessments to be imposed upon the Owners of all Real Property in the Unit.

11. "REAL PROPERTY" means all real property located in the unit.

12. "TAX COLLECTOR" means the Tax Collector of Santa Rosa County, Florida.

13. "UNIT" means Hampton Chase Subdivision Lighting Municipal Service Benefit Unit, the Pandion Place Subdivision Municipal Service Benefit Unit, the Reserve at the Waters Subdivision Municipal Service Benefit Unit or the Water's Edge Subdivision Municipal Service Benefit Unit.

SECTION 3. CREATION OF UNITS.

Pursuant to Chapter 125, Florida Statutes, there is hereby established the following Municipal Service Benefit Unit with their boundaries as set forth in the attached Exhibits.

1. The Hampton Chase Subdivision Lighting Municipal Service Benefit Unit whose

boundaries are described on Exhibit A attached hereto,

2. The Pandion Place Subdivision Lighting Municipal Service Benefit Unit whose boundaries are described on Exhibit B attached hereto,

3. The Reserve at the Waters Subdivision Lighting Municipal Service Benefit Unit whose boundaries are described on Exhibit C attached hereto,

4. The Water's Edge Subdivision Lighting Municipal Service Benefit Unit whose boundaries are described on Exhibit D attached hereto,

SECTION 4. PURPOSE.

It is the purpose of this Ordinance to establish a schedule of assessments to fund subdivision lighting in each of these Units and to provide for a method and procedure for the collection of such established assessments.

SECTION 5. DETERMINATION OF ANNUAL ASSESSMENTS AND CHARGES; PUBLIC HEARING.

1. It is hereby declared that providing for the provision of subdivision lighting is a benefit and improvement to all real property in each of the Units regardless of use and occupancy of such property. The provision of the subdivision lighting directly improves and benefits all real property that is practical and compatible with the health and safety of all citizens in the Unit.

2. There is hereby imposed on the Assessment Date against each parcel in each of the Units an Assessment for the provision of subdivision lighting as provided under the provisions of this Ordinance.

3. The amount of the Assessment imposed each Fiscal Year against each parcel shall be at the rate established in the Rate Resolution adopted pursuant to this ordinance.

4. It is the intent of the Board that the costs of the provision of the subdivision lighting shall be annually imposed. Said resolution may be amended or modified as provided by this ordinance and law.

SECTION 6. ADOPTION OF RATE RESOLUTION AND ANNUAL ASSESSMENT ROLL.

1. The Rate Resolution shall fix the amount of the assessment and it shall be annually adjusted to assure that the cost of subdivision lighting is collected.

2. On or before August 1 of each year, the Board shall adopt by resolution a tentative Rate Resolution establishing the Assessments proposed to be imposed against each parcel in each of the Units for the purpose of providing the subdivision improvements. Upon adoption by the Board of the tentative Rate Resolution, the County Administrator shall cause to be prepared a preliminary Annual Assessment Roll and upon completion shall file such preliminary roll with the Clerk for public inspection.

3. The Board shall hold a public hearing to adopt the Rate Resolution and the Annual Assessment Roll for the ensuing Fiscal Year. Such hearing shall be held between June 1 and September 15. At such public hearing, the Board shall hear comments and objections from Owners and other members of the public as to the proposed Assessments and shall review the preliminary Assessment Roll prepared by the County Administrator for preparation in conformity with the tentative Rate Resolution and this Ordinance. The Board shall also hear comments or objections from any Owner or member of the public as to the method of apportionment of the cost of funding the subdivision improvements against any parcel within the Units. The Board shall make such increase, decrease or revision to any proposed Assessment, as it shall deem necessary or appropriate and shall adopt a Rate Resolution. In addition, the Board shall make such changes, modifications or additions as necessary to conform the preliminary Annual Assessment Roll with the adopted Rate Resolution and this Ordinance. The Board may continue said public hearing to a date and time certain without the necessity of further public notice to allow prior to final adoption increases, decreases or revisions to the tentative Rate Resolution or changes, modification or additions to the preliminary Assessment Roll or for such other reason deemed necessary in the sole discretion of the Board. If upon completion of such public hearing the Board shall be satisfied that the Annual Assessment Roll has been prepared in conformity with the Rate Resolution and this Ordinance, it shall ratify and confirm such roll and the Chairman of the Board shall certify the roll to the Tax Collector no later than September 15 of each year, unless a subsequent date is approved by the Tax Collector.

4. Notice of the date, time and place of the public hearing for the adoption of the Rate Resolution and the Assessment Roll shall be as provided in Section 197.3632(4)(b), Florida Statutes.

5. Notwithstanding the mailing or publication of a proposed schedule of assessments, the Board shall have full and absolute discretion at such public hearing to increase, decrease or revise any proposed Subdivision Lighting Assessment.

SECTION 7. UTILIZATION OF STATUTORY COLLECTION PROCEDURES.

1. The Collection of the Assessments shall be in the manner provided for the uniform collection of non-ad valorem assessment and in accordance with the provisions of Section 197.3632, Florida Statutes, or its successor in function.

2. The collection of Assessments pursuant to this section shall be subject to all collection procedures of Chapter 197, Florida Statutes, including provisions relating to discount for early payment, prepayment by installment method, deferred payment penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

3. The Tax Collector shall include on the Notice of Ad Valorem Tax and Non-Ad Valorem Assessments mailed under Section 197.3635, Florida Statutes, or its successor in function, the Assessment for each parcel listed on the Real Property Assessment Roll as incorporated on the Annual Assessment Roll.

SECTION 8. CODIFICATION.

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of the County of Santa Rosa. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION 9. SEVERABILITY.

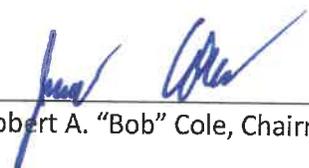
If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision and to that end the provisions of this Ordinance are hereby declared to be severable.

SECTION 10. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed in the office of the Secretary of State within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment from that office that said Ordinance has been filed.

PASSED AND DULY ENACTED by the Board of County Commissioners of Santa Rosa County, Florida in regular session, by a vote of 5 ayes and 0 nays, this 14th day of July 2022.

**SANTA ROSA COUNTY
BOARD OF COUNTY COMMISSIONERS**



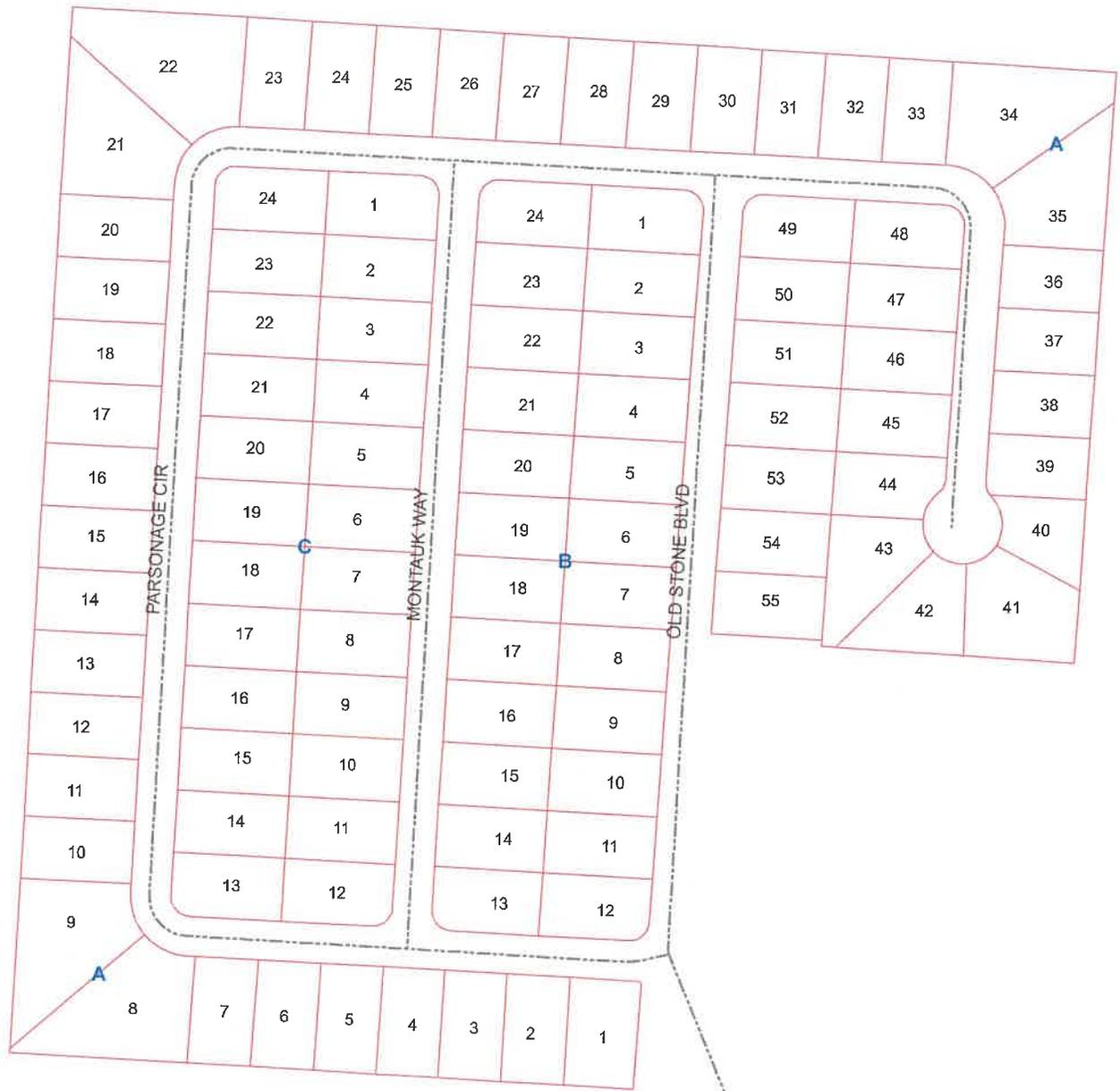
Robert A. "Bob" Cole, Chairman

ATTEST:



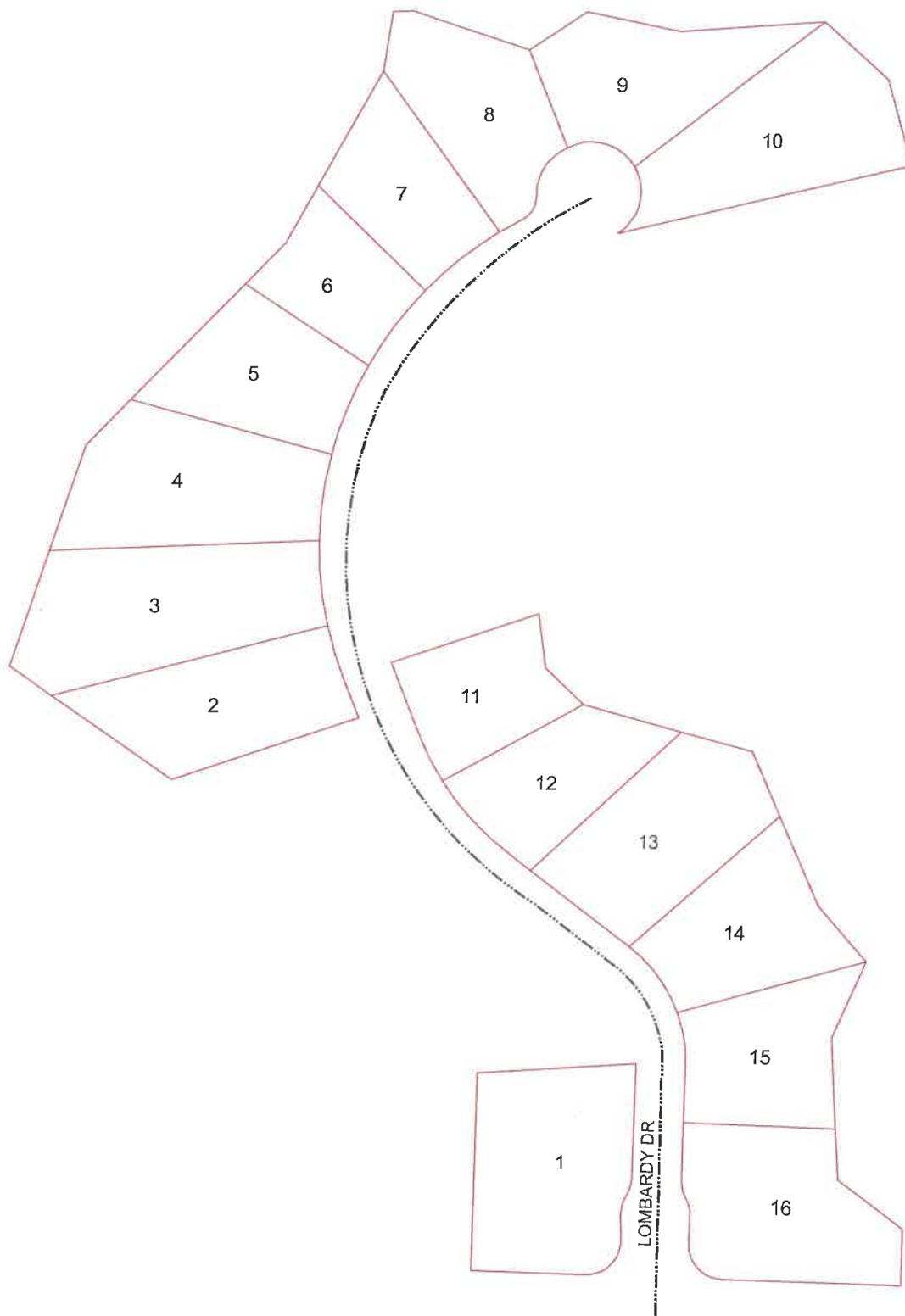
Donald C. Spencer, Clerk of Court

Hampton Chase Subdivision



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Reserve at the Waters Lighting MSBU



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Board of County Commissioners

Agenda Item

Meeting Date: July 11, 2022

Department: Office of Management & Budget

Staff: Sabrina White, Deputy Budget Director

Item: Thursday, July 14, 2022- Public Hearing to Consider Adopting an Ordinance for Additional Streetlighting MSBUs

Attachment(s) Notice of IntentOrderConf, Ordinance- 2022 Consolidated MSBU_lighting

ACTION NEEDED

SUMMARY/BACKGROUND

MUNICIPAL SERVICES BENEFIT UNIT (MSBU) is a SPECIAL ASSESSMENT district established by an ordinance of the Board of County Commissioners, which allows for levying non-ad valorem special assessments on properties within a defined geographic area to provide specific services to the area such as road paving, street lighting, canal dredging, etc. This request will add the following subdivisions to the list for annual lighting assessments:

1. Hampton Chase Subdivision Lighting
2. Pandion Place Subdivision Lighting
3. Reserve at the Waters Subdivision Lighting
4. The Water's Edge Subdivision Lighting

RECOMMENDATION

The petition criteria has been met therefore staff recommends approval.

FISCAL IMPACTS

The units will utilize non-ad valorem assessments to ensure that all property owners benefiting from the lighting will fund the complete cost of such service.

NEXT STEPS