

ORDINANCE NO. 23-08

AN ORDINANCE OF SANTA ROSA COUNTY, FLORIDA; AMENDING CHAPTER 19 SPECIAL DISTRICTS OF THE SANTA ROSA COUNTY FLORIDA CODE; ESTABLISHING THE SOUND FOREST/SOUNDSIDE RESERVE MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR THE ASSESSING OF ASSESSMENTS BY THE COUNTY FOR STREET PAVING, SIDEWALK REPAIRS, STORMWATER REPAIRS AND RETENTION POND FENCE IMPROVEMENTS; 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 paving, sidewalk repairs, stormwater repairs and retention pond fence improvements of the Sound Forest and Soundside Reserve Subdivisions.
2. The Santa Rosa County Board of County Commissioners finds that the most equitable method of providing road paving is through the creation of the Municipal Service Benefit Unit (the Unit) to include the properties depicted in the attached map.
3. The Unit will utilize non-ad valorem assessments to ensure that all property owners benefiting from the street paving, sidewalk repairs, stormwater repairs and retention pond fence improvements 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 road paving. 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 Sound Forest/Soundside Reserve Municipal Service Benefit Unit.

SECTION 3. CREATION OF UNIT.

Pursuant to Chapter 125, Florida Statutes, there is hereby established the Sound Forest/Soundside Reserve Municipal Service Benefit Unit. The boundaries of such Unit shall consist of the properties depicted in the attached map.

SECTION 4. PURPOSE.

It is the purpose of this Ordinance to establish a schedule of assessments to fund the street paving, sidewalk repairs, stormwater repairs and retention pond fence improvements 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 street paving, sidewalk repairs, stormwater repairs and retention pond fence improvements is a benefit and improvement to all real property in the Unit regardless of use and occupancy of such property. The street paving, sidewalk repairs, stormwater repairs and retention pond fence improvements 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 road paving 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 paving shall be amortized over a number of years. The amount of the assessment and number of years to be imposed shall be specified in the rate resolution. 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 and establish the assessment to be imposed and the number of years said assessment will be imposed.

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 the Unit for the purpose of providing road paving. 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 road paving against any parcel within the Unit. 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 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 13th day of July 2023.

**SANTA ROSA COUNTY
BOARD OF COUNTY COMMISSIONERS**



Colten Wright, Chairman

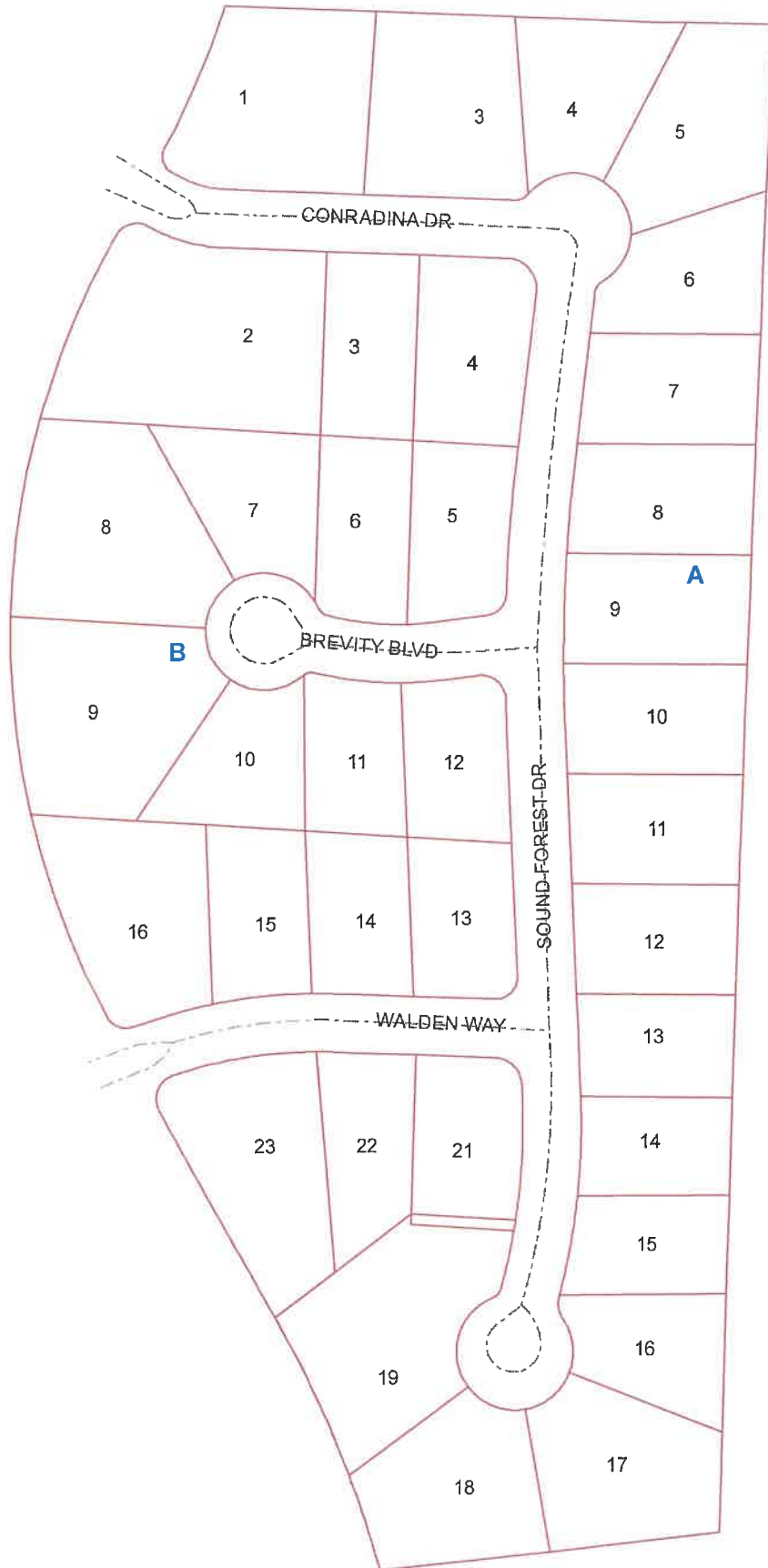


ATTEST:



Donald C. Spencer, Clerk of Court

Sound Forest Subdivision



0 60 120 240 360 Feet

Disclaimer:
The GIS map and data displayed by the Santa Rosa County GISCC department are derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Santa Rosa County GISCC department makes no representation, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the County Geographic Database. Additionally, the Santa Rosa County GISCC department, its employees, or any other person or entity, shall not be liable for any damages, including but not limited to, direct, indirect, or consequential damages, arising from the use of the data, and assumes no responsibility or liability for any errors or omissions. For further map information, call 904-861-1550 or email GIS@rosacounty.com. GISCC website address: <http://www.rosacounty.com/9-10-2016/05-2016>



Soundside Reserve Subdivision



0 40 80 160 240 Feet

The Office of the County Engineer has reviewed this subdivision map and finds it to be in compliance with the requirements of the County Code of Ordinances. This does not constitute a warranty of any kind, nor does it constitute a guarantee of the accuracy, completeness, or reliability of the information or data contained herein. The County Engineer's Office is not responsible for any errors or omissions in this map. For further information, contact the County Engineer's Office at 301-913-1313 or email CE@montgomerycountymd.gov.





Board of County Commissioners

Agenda Item

Meeting Date: July 13, 2023
Department: Office of Management & Budget
Staff: Sabrina White, Deputy Budget Director
Item: Public Hearing for New Maintenance MSBU
Attachment(s) Proof of Publication, Ordinance- 2023-2024 PublicWorks MSBU

ACTION NEEDED

Public hearing to consider establishing the following MSBU:

- Sound Forest / Sound Reserve (District 5) - street paving / improvements, sidewalk repairs, stormwater pipe repairs, and retention pond fence improvements.

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.

The homeowners of Sound Forest and Soundside Reserve HOA's have petitioned the Board to establish an MSBU for street paving/improvements, sidewalk repairs, stormwater pipe repairs, and retention pond fence improvements.

RECOMMENDATION

The petition criteria has been met therefore staff recommends approval.

FISCAL IMPACTS

NEXT STEPS